

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1995

HELD IN THE CITY OF MONTGOMERY, ALABAMA

COMMENCING TUESDAY, APRIL 18, 1995



Vol 2

WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

Walker Printing Company
Printers—Binders
Montgomery, Alabama

**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1995**

FOURTEENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, June 6, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Karl K. Stegall, First United Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Heath Hawkins, 8th Grade, Maddox Middle School, Jasper, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirteenth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the thirteenth legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 9:30 o'clock a.m. on Thursday, June 8, 1995, and the motion was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 380. To provide further for the powers of the board and membership fees of credit unions; to provide for the powers of the administrator of the Alabama Credit Union Administration to include the power to act as a conservator of a credit union under certain conditions, subject to quarterly review of the board; to provide for the rules and regulations and written policies and interpretations of law and regulation and to give certain immunity to officers and directors relying on the written policies and interpretation; and to provide further appointments, qualifications, and residency of members of the credit union board; and for these purposes amending Sections 5-17-4, 5-17-8, 5-17-46, and 5-17-55, Code of Alabama 1975.

TOMMY CARTER
Chairman

And the bill, H. 380, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 579. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 94-590, 1994 Regular Session, providing that the date of the offense, not conviction, will be the controlling date for determining offenses within a five year time period for purposes of enhanced penalties.

TOMMY CARTER
Chairman

And the bill, H. 579, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 286. To amend Sections 34-1-2, 34-1-3, 34-1-6, 34-1-9, 34-1-10, 34-1-13, 34-1-16, 34-1-17, and 34-1-21 of the Code of Alabama 1975; to clarify that public accountants may engage in the practice of public accountancy by means of a limited liability company or limited liability partnership as well as other approved forms of business entities; to authorize the appointment of a nonpublic accountant to the state board of public accountancy; to clarify the ownership and confidential nature of accountant workpapers prepared in connection with peer review programs; and to provide for definitions.

TOMMY CARTER
Chairman

And the bill, H. 286, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 534. To amend Section 34-27-4 of the Code of Alabama 1975, to provide for the transfer of funds from the Real Estate Commission Proportionate Fund to the Real Estate Research and Education Center; to amend Section 34-27-35 of the Code of Alabama 1975, to provide for a research and education fee on each licensee; and to amend Section 34-27-31 of the Code of Alabama 1975, to allow the Real Estate Commission to transfer real estate recovery funds under certain conditions to the Real Estate Research and Education Center.

TOMMY CARTER
Chairman

And the bill, H. 534, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 558. To amend Sections 32-6-4 and 32-6-4.1 of the Code of Alabama 1975, relating to nondriver identification cards; to provide that any person under the age of 62 years shall renew the nondriver identification card every eight years; to provide that a mentally or physically disabled person who is incapable of obtaining a driver's license shall not be charged, except for the fee of the judge of probate or license commissioner of the county; to provide that a person 62 years of age and older shall not be required to renew the card except as provided by Section 32-6-4.1, Code of Alabama 1975, and the rules and regulations of the Director of the Department of Public Safety; to provide for the cost and renewal of nondriver identification cards; to authorize the Director of Public Safety to adopt and enforce reasonable rules and regulations relating to the use of the nondriver identification card; and to provide for an effective date.

TOMMY CARTER
Chairman

And the bill, H. 558, as engrossed, was ordered sent to the Senate.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 196. URGING STATE AGENCIES NOT TO GRANT FINANCIAL ASSISTANCE TO ANY EMPLOYER WHO SOLICITS OR ADVERTISES FOR PERMANENT OR TEMPORARY REPLACEMENT EMPLOYEES DURING A LABOR DISPUTE.

WHEREAS, Alabama workers may engage in their legal right to strike over a contract dispute with employers at the very real risk of losing their jobs for engaging in a lawful strike; and

WHEREAS, the loss of Alabama workers' livelihood would have a devastating effect on their families and communities; and

WHEREAS, the right to strike is a hollow and meaningless right if permanent replacement workers can be hired to replace striking workers; and

WHEREAS, certain employers in Alabama receive monies from state agencies to train many replacement workers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge state agencies not to grant financial assistance to any employer who solicits or advertises for permanent or temporary replacement employees during a labor dispute.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Governor that he may be aware of our concerns relating to this matter.

On motion of Representative Carter, the resolution, H.J.R. 196, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 222. MOURNING THE DEATH OF GLORIA FINEBAUM OF BIRMINGHAM, ALABAMA.

WHEREAS, the Alabama Legislature is deeply saddened by the death of Gloria Finebaum of Birmingham, Alabama, on December 13, 1994, at the age of 71 years; and

WHEREAS, Gloria Finebaum, born July 9, 1923, in New York, New York, was the daughter of the late Paul and Mollie Filderman, and the wife of the late Dr. Benjamin T. Finebaum; and

WHEREAS, a highly regarded member of the Birmingham community, Mrs. Finebaum was a faithful and devoted member of Hadassah and Baron Hirsch Congregation; she was also a longtime and supportive member of B'nai B'rith, and served as a BBG advisor for more than 15 years to Bluff City BBG, renamed Dr. Ben T. Finebaum BBG following her husband's death; and

WHEREAS, the lamentable death of Gloria Finebaum has indeed left a deep void the life of the Birmingham community, and in the hearts of her beloved family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as her death is mourned, thanks are given for the life and service of Gloria Finebaum of Birmingham, Alabama, and deepest sympathy is hereby extended to her son, Paul Finebaum; daughter, Pamela Gold; and grandson; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 222, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 219. COMMENDING PATRICIA HICKS OF SATSUMA, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENTS.

WHEREAS, it is with utmost pride and pleasure that the Alabama Legislature honors Patricia Hicks, a former teacher and coach at Satsuma High School, for tremendous service; and

WHEREAS, Pat Hicks, a native of Satsuma, Alabama, and former student at Satsuma High School, retired June, 1994, ending her 31-year career in education with an astonishing 504 wins as Head Coach of the Girls Softball Team, and an equally impressive career as Head Coach of Satsuma's Girls Volleyball Team; and

WHEREAS, among numerous other notable accomplishments, Pat has twice served as President of the Mobile County Coaches Association, and has been a member of the Mobile County School Board Athletic Committee, Alabama Education Association, National Education Association, Mobile County Education Association, and the American Alliance for Health, Physical Education, and

Recreation; and she has furthermore been recognized as the Softball Coach of the Year, Volleyball Coach of the Year, and as Satsuma High School Teacher of the Year; and

WHEREAS, under the leadership and guidance of Pat Hicks, the Satsuma High School Girls Softball Team participated in the state play-offs every year except one, and were the 6A State Champions in 1987, 1988, and 1990, and runners-up in 1994; and

WHEREAS, Pat Hicks is a worthy role model and mentor for the countless young people she has encouraged and inspired, and is indeed well deserving of this special recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Pat Hicks, former teacher and coach of Satsuma High School, for her outstanding contributions and accomplishments, and do furthermore direct that a copy of this resolution be provided as evidence of our appreciation and warmest personal regard.

On motion of Representative Carter, the resolution, H.J.R. 219, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 220. COMMENDING EDWARD P. DOMBROWSKI FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, it is with highest personal regard that the Alabama Legislature notes the retirement, May 26, 1995, of Edward P. Dombrowski, a longtime and highly respected member of the Alabama House of Representatives security staff, and a valued friend; and

WHEREAS, for more than 14 years Ed Dombrowski has been a familiar and welcoming sight at his post by chamber doors leading to the Alabama House of Representatives during legislative sessions, extending to all a warm smile and a friendly greeting; and

WHEREAS, a veteran of the United States Air Force, and a highly decorated hero of World War II, Ed Dombrowski, following retirement as a manufacturer's representative in the ladies' clothing industry, joined the legislative staff as a member of Senate security in 1980, transferring shortly thereafter to House security in 1981; and

WHEREAS, over his dedicated tenure of service, Ed Dombrowski has become a treasured member of our legislative family, and he will be greatly missed by all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep and sincere gratitude for outstanding service to the Alabama Legislature and the State of Alabama, we hereby most highly commend Edward P. Dombrowski, whom we hold in warmest personal regard, and for whom a copy of this resolution shall be provided with sincere best wishes for every future happiness and success.

On motion of Representative Carter, the resolution, H.J.R. 220, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H.J.R. 220:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 75. COMMENDING "SKATE THE STATE" PARTICIPANTS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 75.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 76. COMMENDING CHARLES D. KELLEY OF MONTGOMERY, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 76.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 77. DESIGNATING JUNE 1995 AS FATHERHOOD MONTH IN THE STATE OF ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 77.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 79. URGING THE PRESIDENT AND THE UNITED STATES CONGRESS TO SUPPORT THE CONTINUING EXISTENCE OF THE NATIONAL WEATHER SERVICE STATION IN HUNTSVILLE, ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 79.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 80. HONORING THE REVEREND CHARLES A. LETT, JR., FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 80.

BILLS ON SECOND READING

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 662. Relating to Marion County; to amend Section 2 of Act No. 80-128, H. 603, 1980 Regular Session (Acts 1980, p. 191), to provide for the sale or disposal of property under the control of the county commission to a municipal or other governmental entity in the county without the necessity of public auction or sealed bids.

H. 665. Relating to Lauderdale County; to amend the title and Section 7 of Act No. 86-411, H. 772 of the 1986 Regular Session (Acts 1986, p. 599), relating to allocation and distribution of the lodging tax; to provide further for the allocation and distribution of the lodging tax; and to establish a tourism board.

S. 433. Relating to Morgan County, to propose an amendment to the Constitution of Alabama of 1901, to authorize the Morgan County Commission to continue to levy a county-wide 4.3 mill and 1.5 mill ad valorem tax as originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the benefit of all public schools in Morgan County.

The above bill was read a second time at length as required by the Constitution.

S. 438. Relating to Morgan County; to authorize the Morgan County Commission to continue to levy a four mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the benefit of the Hartselle city schools.

The above bill was read a second time at length as required by the Constitution.

S. 440. Relating to Morgan County; to authorize the Morgan County Commission to continue to levy a 3.6 mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the Decatur public schools.

The above bill was read a second time at length as required by the Constitution.

S. 441. Relating to Morgan County, to authorize the Morgan County Commission to continue to levy a four mill ad valorem tax originally authorized by the people on January 17, 1967 and scheduled to expire on September 30, 1995, for the benefit of the schools under the jurisdiction of the Morgan County Board of Education.

The above bill was read a second time at length as required by the Constitution.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 602. (With Amendment): Relating to any Class 1 municipality; to provide after a referendum election on the subject, for the election of the city board of education from four single-member districts with the chair elected from a fifth district extending throughout the city; to provide for the date of the referendum and board election; and to provide for the qualifications of candidates and the terms of office of elected board members.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 381. To alter and rearrange the boundaries of the City of Birmingham to include within such boundaries certain described territory situated in Jefferson County, generally known as the Pawnee Reservoir of the Industrial Water System, which is not contiguous to the boundaries of the City of Birmingham.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and pursuant to House Rule 35, was referred to the Standing Committee on Local Government:

H. 386. To alter and rearrange the boundaries of the City of Birmingham to include within such boundaries certain described territory situated in Shelby County, generally known as Spain Park, which is not contiguous to the boundaries of the City of Birmingham.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Papucci and Carter (With Notice and Proof):

H. 696. To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County and Limestone County to remove certain property from the corporate limits of the City of Huntsville.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 696, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Ford (With Notice and Proof):

H. 697. Relating to Etowah County; to provide for the establishment of the "Etowah County Library Committee"; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and filling of vacancies; to provide for the terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 697, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clouse (With Notice and Proof):

H. 698. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 698, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (T) (With Notice and Proof):

H. 699. Relating to Tuscaloosa County; to provide that the bailiffs for the Sixth Judicial Circuit of Alabama shall be authorized and allowed to participate in law enforcement minimum standard training; and to authorize leaves of absence for the bailiffs for the purposes provided for in this act.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 699, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Gaines:

H. 700. Relating to Title 7 of the Code of Alabama of 1975, the Uniform Commercial Code, to repeal the current Article 8 and provide for a new Article 8 relating to investment securities and to provide for all of the following: short title and general matters, issue and issuer, transfer of certificated and uncertificated securities, registration, security entitlements, transition provisions for revised Article 8 and conforming amendments to Articles 1, 5, 9, and 10, the perfection of a security interest in investment property in multiple state transactions and in certain other investment property, security interest arising in purchase or delivery of financial assets, conforming amendments to the Alabama Business Corporation Act and the General Statute of Frauds, and shares without certificates under the Alabama Business Corporation Act; to amend Sections 7-9-103, 7-9-105, 7-9-106, 7-9-203, 7-9-301, 7-9-302, 7-9-304, 7-9-306, 7-9-309, and 7-9-312 of the Code of Alabama 1975; to add Sections 7-9-115 and 7-9-116 to the Code of Alabama of 1975; to amend 7-1-105, 7-1-201, 7-1-206, 7-5-114, 7-10-104, and 8-9-2 of the Code of Alabama of 1975; to amend Act 94-245, 1994 Regular Session, now appearing as Sections 10-2B-6.26 and 10-2B-6.27, Code of Alabama 1975; and to specify a prospective effective date.

COMMITTEE ON JUDICIARY

By Representative Hill:

H. 701. To designate the Dusky Gopher Frog as the official state amphibian.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Hill:

H. 702. To amend Sections 12-18-6, 12-18-40, 12-18-55, and 12-18-84,

Code of Alabama 1975; to provide that justices of the Supreme Court, judges of the court of appeals, circuit court judges, district court judges, and probate judges may retire with not less than 24 years of service; and to provide an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Hinshaw (With Notice and Proof):

H. 703. To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County and Limestone County to remove certain property from the corporate limits of the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 703, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hill:

H. 704. Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Sports Festival, Inc., prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Morton (With Notice and Proof):

H. 705. Relating to the City of Birmingham in Jefferson County, to further amend Act No. 929, 1951 Regular Session and as extensively amended by Act No. 1272, 1973 Regular Session which created a Retirement and Relief System for officers and employees of Class 1 Municipalities, so as to provide further for a member appointed by the city council and a retired member elected by the retired members in the system to serve as members of the board of managers of the City of Birmingham Retirement and Relief System; to provide further for a quorum of the board; to provide additional compensation for members of the board; and to provide further for the filing of reports and records which shall be public records subject to inspection.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 705, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morton:

H. 706. To amend Section 41-16-51, Code of Alabama 1975, relating to public contracts where competitive bidding is not required, to include school supplies purchased by a school if the supplies are cheaper on sale or where a business is going out of business.

COMMITTEE ON EDUCATION

By Representatives Guin and Hogan:

H. 707. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901; to grant certain powers and authority to Walker County and each municipality situated wholly therein relating to the acquisition, leasing, sale, and development of industrial sites and industrial park projects; and to specify that actions authorized by this amendment taken subsequent to January 1, 1995, are ratified.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Guin and Hogan (With Notice and Proof):

H. 708. Relating to Walker County; to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products; and to provide for an advisory referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 708, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Guin and Hogan (With Notice and Proof):

H. 709. Relating to Walker County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 709, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Guin and Hogan (With Notice and Proof):

H. 710. Relating to Walker County; creating the Walker County Sheriff Service of Process Serving Fund; to further provide for service of process in Walker County; to provide that the Sheriff of Walker County may contract with or enter into contract or agreement with a private, public, or governmental entity for the purpose of service of process; to increase the fee for civil or criminal documents, with certain exceptions; and to provide for the disposition of funds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 710, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Guin and Hogan (With Notice and Proof):

H. 711. Relating to Walker County; to amend Sections 1 and 2 of Act No. 89-763, H. 892 of the 1989 Regular Session (Acts 1989, p. 1543), to further provide for the expenditures of the Juvenile Court Advisory Committee.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 711, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hall (L), Kennedy, Graham, Johnson (R), and Hall (A):

H. 712. To establish the Osteoporosis Prevention and Treatment Education Program within the State Department of Health and to provide financing for the program.

COMMITTEE ON HEALTH

By Representative Hawk:

H. 713. To empower certain federal law enforcement officers to enforce the laws of this state and to arrest persons violating the laws of this state.

COMMITTEE ON JUDICIARY

By Representative Knight (A) (With Notice and Proof):

H. 714. To alter, rearrange, and extend the boundary lines of the municipality of West Blocton in Bibb County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 714, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrison:

H. 715. To provide that domestic violence is detrimental to the child and to create a rebuttable presumption that it is not in the best interests of the child to be in the sole or joint custody of a parent who is the perpetrator of domestic or family violence; and to specify factors to be considered by a court in making a custody, visitation, or modification determination.

COMMITTEE ON JUDICIARY

By Representatives Turnham, Reed, Bandy, Fuller, and Vance (With Notice and Proof):

H. 716. Amending Section 1 of Act No. 88-472, Regular Session, 1988 (Acts 1988, p. 722), relating to the Lee County Judicial Administration Fund; to provide that judicial personnel of Lee County may be reimbursed for actual and necessary travel expenses within or without the State of Alabama related to training and education enhancement.

COMMITTEE ON LOCAL LEGISLATION NO. 8

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 716, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turner (With Notice and Proof):

H. 717. Relating to Mobile County; to amend Act No. 83-731, S. 377, 1983 Regular Session, which created the Mobile County Bingo Act, to provide further for the operation of bingo games in the county.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 717, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Box:

H. 718. To provide for the Uniform Partnership Act of 1995 with Limited Liability Partnership relating to the organization and operation of a business partnership and a limited liability partnership in Alabama; to provide generally for a partnership and a partnership agreement; to provide for the nature of a partnership and the relations of a partner to other partners, the partnership, and persons dealing with a partnership; to provide for transferees and creditors of a partner; to provide for a partner's dissociation and a partner's dissociation when a business is not wound up, and the winding up of a partnership business; to provide for conversions and mergers of partnerships; to provide for registered limited liability partnerships; to provide for the uniformity of application and construction, applicability, savings clause, composite tax returns, and taxation of a registered limited liability partnership; to repeal Sections 10-8-1 through 10-8-7; 10-8-20 and 10-8-21; 10-8-40 through 10-8-56; 10-8-70 through 10-8-73; and 10-8-90 through 10-8-103, Code of Alabama 1975; and to provide an effective date of January 1, 1996.

COMMITTEE ON JUDICIARY

By Representative Turner:

H. 719. To create two new circuit judgeships in the Thirteenth Judicial Circuit of Alabama.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 720. To amend Section 36-12-40, Code of Alabama 1975, to allow access to certain files of public employees.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McKee, Hooper, Townsend, Hawkins, Hinshaw, Papucci, Jorgensen, Sanderford, Petelos, Knight (A), Morton, Rogers (M), Morrison, Wren, Sims, Willis, Guin, Seibenhener, Moore, Clouse, Layson, Collins, and Hamilton:

H. 721. To propose an amendment to the Constitution of Alabama of 1901, to provide that the people of the State of Alabama who are qualified electors may propose the repeal or enactment of general laws or constitutional amendments by

an initiative or referendum, subject to the same limitations imposed on the Legislature.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representative Turner:

H. 722. Proposing an amendment to the Constitution of Alabama of 1901, to allow the Legislature to pass a local law for Mobile County fixing the punishment of a crime.

COMMITTEE ON JUDICIARY

The above bill was read a first time at length as required by the Constitution.

By Representatives Minnifield and Knight (A):

H. 723. To provide a tax credit for taxpayers or the tax paying entity or entities who remove asbestos from vacant buildings.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), Sanderson, McAdory, Houston, Hawkins, Carns, Minnifield, Petelos, Curry, Morton, Gaines, Knight (A), and Hill:

H. 724. To make an appropriation from the Alabama Special Educational Trust Fund in the sum of \$300,000 for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Moore:

H. 725. To amend Section 36-27-57, Code of Alabama 1975, to reopen the Employees' Retirement System for purchase of credit for certain prior service with a district attorney.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 726. To create the Respiratory Care Act to provide for the regulation and licensing of persons administering respiratory care; to create the Alabama State Board of Respiratory Care and provide for its powers, duties, and responsibilities;

to create the Alabama State Board of Respiratory Care Fund for receipts collected by the board and to provide for the administration of the fund; to make appropriations from the fund to the board; and to provide for prohibited acts and penalties.

COMMITTEE ON HEALTH

By Representatives Starkey and Hamilton (With Notice and Proof):

H. 727. Relating to Lauderdale County and its municipalities; to amend and reenact Act No. 86-244, H. 671 of the 1986 Regular Session (Acts 1986, p. 372), forming a Shoals Industrial Development authority for promoting industry and trade and the development of the counties and cities; for the purpose of forming a Shoals Economic Development Authority for promoting the economic development of the counties and cities.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 727, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (J):

H. 728. To create the offices of Honorary Member of the House of Representatives, Honorary Senator, and Honorary Lieutenant Governor of the State of Alabama and provide for the requirements for holding the offices.

COMMITTEE ON RULES

By Representatives Wren, McKee, Clouse, Townsend, Carns, Rogers (M), Gipson, Hill, Crigler, Moore, and Curry:

H. 729. To amend Section 37-1-3 of the Code of Alabama 1975, relating to the Public Service Commission; and to provide further for the terms of office of its members.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Crigler, Dean, Gaston, McKee, Hall (A), Pringle, Sims, and Hogan:

H. 730. To propose an amendment to the Constitution of Alabama of 1901 to provide that the people may initiate the enactment of general laws or constitutional amendments by an initiative or may reject statutes or local resolutions and ordinances by local governing bodies through the procedure of referendum petition and election.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative McKee offered the motion to reconsider the vote by which the resolution, H.J.R. 196, was adopted and the motion to reconsider was adopted.

Yeas 48; Nays 33.

Yea:

Mr. Speaker, Allen, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Fuller, Gaines, Gaston, Gipson, Haney, Hawk, Hawkins, Hill, Hogan, Hooper, Jorgensen, Knight (A), Laird, Layson, Maull, McDaniel, McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Vance, Venable and Wren.

-48

Nay:

Representatives Baker, Bandy, Black (M), Box, Boyd, Buskey, Carothers, Dolbare, Drake, Ford, Galliher, Graham, Guin, Hall (L), Hamilton, Hayden, Houston, Johnson (E), Kennedy, Letson, Lindsey, McAdory, Melton, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Reed, Spratt and Thomas (J).

-33

And the resolution, H.J.R. 196, was again taken up.

H.J.R. 196 RECOMMITTED

On motion of Representative McKee, the Speaker recommitted the resolution, H.J.R. 196, to the Standing Committee on Rules.

Yeas 46; Nays 38.

Yea:

Mr. Speaker, Allen, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dukes, Fuller, Gaines, Gaston, Gipson, Hammett, Haney, Hawk, Hawkins, Hill, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Maull, McDaniel, McKee, McMillan, Moore, Morton, Newton (C), Papucci, Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Townsend, Turner, Vance, Venable and Wren.

-46

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Dolbare, Drake, Ford, Galliher, Graham, Guin, Hall (L), Hamilton, Hayden, Hogan, Houston, Johnson (E), Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Petelos, Reed, Spratt and Starkey.

-38

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Carns intended to vote "Yea" on the motion offered by Representative McKee to recommit the resolution, H.J.R. 196, to the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 576, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clouse, Crigler, Dean, Drake, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Letson, Lindsey, Maull, McAdory, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Turnham, Vance, Venable, White and Willis.

-57

And the bill:

H. 576. Relating to Elmore County; authorizing the county commission to establish an animal control program; to provide for the appointment of animal control officers; to provide for the annual licensing of dogs and cats; authorizing the collection of fees to fund the animal control program; providing for the investigation of complaints about dangerous animals; and providing for the responsibility of animal owners for their animals.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Crigler, Dean, Drake, Fuller, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Letson, Lindsey, McAdory, McClammy, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Payne, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-59

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 591, were temporarily carried over at the request of Representative Venable.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 607, were temporarily carried over at the request of Representative Turner.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 374, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carter, Clouse, Crigler, Curry, Dean, Drake, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hamilton, Haney, Hawkins, Hayden, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Kennedy, Letson, McAdory, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, White, Willis and Wren.

-64

And the bill:

H. 374. Relating to Jefferson County; relating to alcoholic beverages and the sale of wine in Jefferson County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden of proof; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

was taken up.

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, H. 374:

On page 25, line 25, after the period, insert the following: One supplier acquires another, the acquiring company can decide who will wholesale his brands.

AMENDMENT TABLED

On motion of Representative Sanderson, the amendment offered by Representative Rogers (J) to the bill, H. 374, was tabled.

Yeas 19; Nays 6.

Yea:

Representatives Carns, Dukes, Gaines, Guin, Hawk, Hawkins, Hill, Hilliard, Hogan, Knight (A), Maull, Minnifield, Morton, Petelos, Sanderford, Sanderson, Spratt, Thomas (D) and Townsend.

Nay:

Representatives Houston, Johnson (E), McAdory, Newton (D), Payne and Rogers (J).

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 374, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 12; Nays 3.

Yea:

Representatives Carns, Curry, Gaines, Hawkins, Minnifield, Morton, Payne, Perdue, Petelos, Sanderson, Spratt and Townsend.

-12

Nay:

Representatives Johnson (E), McAdory and Rogers (J).

- 3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 224. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 14th legislative day, Tuesday, June 6, 1995, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 14 - By Papucci	29
Superintendent of Ed., Co., residency requirements and exceptions to time of taking office, Legislature may provide by local law, Secs. 16-9-2, 16-9-8 am'd.	
H. 431 - By Johnson (R)	43
Driver's licenses, place where examination conducted and fee collected, Secs. 32-6-3, 32-6-21 am'd.	
H. 625 - By Fuller	73
Banks, foreign corporation franchise tax, exclusion of investments in other foreign corporations if bank owns 50 percent of stock, Sec. 40-14-41 am'd.	
H. 434 - By Lindsey (As Substituted)	75
Boll weevil eradication program, confirmation phase and elimination zone defined, referendum requirements provided, Secs. 2-19-121, 2-19-134 am'd.	
H. 375 - By Hayden (As Substituted)	56
Industrial parks, services, furnishing made permissive, provisions re agreements, annexation, jurisdiction of sheriff deleted, Sec. 11-23-6 am'd.	
H. 8 - By White (As Amended)	90
Teachers' Retirement System, purchase of prior service credit in a circuit clerk's office; Sec. 16-25-11.4 am'd.	

**REGULAR SESSION
14th Day**

1181

H. 529 - By Laird 65

Legislative Reference Service, communications with persons
auth. to make requests considered privileged, waiver,
advertised local bill synopsis not a waiver, Sec. 29-7-6 am'd.

H. 156 - By Hogan (As Substituted) 60

Teachers' Retirement System, reopen for prior service with
Walker College

The following bills are not subject to the 10-minute limitation, and are subject
to motions to carry over temporarily or otherwise.

H. 143 - By Warren (As Amended and Substituted) 33

Cherokee, Clarke, Connecuh, Hale, Limestone, Washington
cos., Board of Registrars, meeting days alt., Sec. 17-4-156
am'd.

H. 538 - By Venable 102

Absentee ballots, mailed to physically incapacitated voters
before an election

H. 152 - By Box 34

Boards of Registrars, voter files, maintenance activities,
names purged

H. 298 - By Curry 32

Elections, voter identification req. prior to voting

H. 182 - By Venable (As Amended) 102

Elections, early voting provided

H. 130 - By Hooper 66

Judges, soliciting campaign contribs., prohib.

H. 194 - By Turner 5

Candidates for cert. judicial offices, disclosure statements,
req., penalties provided

MOTION TO ADOPT

Representative Carter offered the motion to adopt the resolution, H.R. 224.

SUBSTITUTE OFFERED

Representative Sanderson offered the following substitute to the resolution, H.R. 224:

Inst Id	Page
H. 143 - By Warren (As Amended and Substituted)	33
Cherokee, Clarke, Connecuh, Hale, Limestone, Washington cos., Board of Registrars, meeting days alt., Sec. 17-4-156 am'd.	
H. 538 - By Venable	102
Absentee ballots, mailed to physically incapacitated voters before an election	
H. 152 - By Box	34
Boards of Registrars, voter files, maintenance activities, names purged	
H. 298 - By Curry	32
Elections, voter identification req. prior to voting	
H. 130 - By Hooper	66
Judges, soliciting campaign contribs., prohib.	

SUBSTITUTE TABLED

On motion of Representative Carter, the substitute offered by Representative Sanderson to the resolution, H.R. 224, was tabled.

Yeas 48; Nays 11.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Buskey, Carothers, Carter, Clouse, Collins, Dolbare, Drake, Dukes, Galliher, Graham, Hammett, Hayden, Hilliard,

14th Day

Hinshaw, Johnson (E), Johnson (R), Kennedy, Laird, Letson, Lindsey, Maull, McAdory, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Penry, Petelos, Pringle, Sims, Spratt, Starkey, Turner, Vance, Venable, White and Willis.

-48

Nay:

Representatives Black (L), Carns, Gaines, Guin, Hawkins, McKee, Payne, Sanderson, Thomas (D), Townsend and Wren.

-11

RESOLUTION ADOPTED

The question was then on the motion offered by Representative Carter to adopt the resolution, H.R. 224, and the resolution was adopted.

Yeas 63; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Collins, Curry, Dolbare, Drake, Galliher, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Smith, Spratt, Starkey, White and Willis.

-63

Nay:

Representative Sanderson.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Reed intended to vote "Yea" on adoption of the resolution, H.R. 224.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Papucci, the Budget Isolation Resolution relating to the bill, H. 14, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, McAdory, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, White and Willis.

-76

And the bill:

H. 14. To amend Sections 16-9-2 and 16-9-8, Code of Alabama 1975, relating to county superintendents of education, to authorize the Legislature, by local law, to provide for residency requirements and exceptions to the time elected county superintendents of education take office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree,

Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-87

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 75. COMMENDING "SKATE THE STATE" PARTICIPANTS.

Also:

S.J.R. 76. COMMENDING CHARLES D. KELLEY OF MONTGOMERY, ALABAMA.

Also:

S.J.R. 77. DESIGNATING JUNE 1995 AS FATHERHOOD MONTH IN THE STATE OF ALABAMA.

Also:

S.J.R. 79. URGING THE PRESIDENT AND THE UNITED STATES CONGRESS TO SUPPORT THE CONTINUING EXISTENCE OF THE NATIONAL WEATHER SERVICE STATION IN HUNTSVILLE, ALABAMA.

Also:

S.J.R. 80. HONORING THE REVEREND CHARLES A. LETT, JR., FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 431, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-83

S. 242 SUBSTITUTED FOR H. 431

In accordance with House Rule 20 and on motion of Representative Johnson (R), the bill, S. 242, was substituted for the bill, H. 431.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, S. 242, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne,

Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-79

And the bill:

S. 242. Amending Sections 32-6-3 and 32-6-21 of the Code of Alabama 1975, relating to driver's license examinations and the payment of the accompanying fee; to provide that the examination shall be conducted by the officer, state trooper, or agent designated by the Director of Public Safety and the fee shall be paid to the designated person.

was read a third time at length and passed.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-77

H. 431 INDEFINITELY POSTPONED

On motion of Representative Johnson (R), the bill, H. 431, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 625, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-83

And the bill:

H. 625. To amend Section 40-14-41, Code of Alabama 1975, relating to foreign corporation franchise tax; to provide an exclusion for banks and bank holding companies for investments in the capital of a foreign corporation that does not pay a franchise tax to the State of Alabama where the bank or bank holding company owns more than 50 percent of the stock of the corporation; to provide further for the determination of the amount of capital employed by a bank or bank holding company in the State of Alabama; and to provide for a retroactive effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-88

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 434, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-89

And the bill:

H. 434. (With Substitute): To amend Section 2-19-121 of the Code of Alabama 1975, to further provide for the definitions, including "confirmation phase" and "elimination zone," of the boll weevil eradication program; and to amend Section 2-19-134 of the Code of Alabama 1975, relating to the conduct of referendums for the boll weevil eradication program; to provide for the referendum requirements when the elimination zone is in the confirmation phase of the eradication program.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Agriculture, Forestry & Natural Resources, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 2-19-121 of the Code of Alabama 1975, to further provide for the definitions, including "confirmation phase" and "elimination zone," of the boll weevil eradication program; and to amend Section 2-19-134 of the Code of Alabama 1975, relating to the conduct of referendums for the boll weevil eradication program; to provide for the referendum requirements when the elimination zone is in the confirmation phase of the eradication program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 2-19-121 of the Code of Alabama 1975, is amended to read as follows:

"§2-19-121.

"As used in this article, the following words shall have the ~~meaning stated below~~ following meanings, unless the context ~~requires~~ clearly indicates otherwise:

"~~(10)~~ (1) BOARD. The state board of agriculture and industries.

"~~(1)~~ (2) BOLL WEEVIL. *Anthonomus grandis* Boheman in any stage of development.

"~~(2)~~ (3) CERTIFICATE. A document issued or authorized by the commissioner indicating that a regulated article is not contaminated with boll weevils.

"~~(3)~~ (4) COMMISSIONER. The commissioner of agriculture and industries or his or her designated representative.

"(5) CONFIRMATION PHASE. One percent or less of the acres in the eradication zone infested.

"~~(4)~~ (6) COTTON. Any cotton plant or cotton plant product upon which the boll weevil is dependent for completion of any portion of its life cycle.

"~~(11)~~ (7) COTTON GROWER. Any person who is engaged in and has an economic risk in the business of producing or causing to be produced, for market, cotton.

"~~(12)~~ (8) DEPARTMENT. The Alabama department of agriculture and industries.

"(9) ELIMINATION ZONE. The area of acreage defined by an approved referendum and funded in cooperation with the United States Department of Agriculture in those portions of the state where eradication of the boll weevil is undertaken as an objective. An elimination zone for the purposes of this article is the same as an eradication zone.

"~~(5)~~ (10) HOST. Any plant or plant product upon which the boll weevil is dependent for completion of any portion of its life cycle.

"~~(6)~~ (11) INFESTED. Actually infested with a boll weevil or so exposed to infestation that it would be reasonable to believe that an infestation exists.

"~~(7)~~ (12) PERMIT. A document issued or authorized by the commissioner to provide for the movement of regulated articles to restricted designations for limited handling, utilization, or processing.

"~~(8)~~ (13) PERSON. Any individual, corporation, company, society, or association, or other business entity.

"~~(9)~~ (14) REGULATED ARTICLE. Any article of any character carrying or capable of carrying the boll weevil, including but not limited to, cotton plants, seed cotton, other hosts, gin trash, and mechanical cotton pickers."

Section 2. Section 2-19-134 of the Code of Alabama 1975, is amended to read as follows:

"§2-19-134.

"(a) In the event any referendum conducted under this article fails to receive the required number of affirmative votes, the certified organization may, with the consent of the board be authorized to call other referendums.

"(b) After the passage of any referendum, the eligible voters shall be allowed if the area has not reached the confirmation phase, by subsequent referendums, at least every five years, to vote on whether to continue their assessments. The eligible voters in any area that is an elimination zone on the effective date of the act adding this sentence shall vote within five years of the last referendum in that zone whether to continue their assessments. Any referendum conducted pursuant to this article shall provide that if an area enters the confirmation phase, no further referendum shall be required while that area or any area remains in the confirmation phase except upon petition as provided in this subsection. Thereafter, if any area is in the confirmation phase, and if at least 25 percent of all eligible voters on a statewide basis petition the certified grower's organization for a subsequent statewide referendum on the continuation of the assessments, the certified grower's organization may by a two-thirds vote of its board determine whether to conduct a subsequent statewide referendum to determine whether to continue the program in all areas in the confirmation phase. In the event there are outstanding encumbrances above and beyond the certified grower assessments, the petition may be granted only subject to the terms and conditions as the certified grower's organization shall provide in order to provide for the outstanding encumbrances. All of the requirements for an initial referendum must be met in subsequent referendums."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

And the bill:

H. 434. To amend Section 2-19-121 of the Code of Alabama 1975, to further provide for the definitions, including "confirmation phase" and "elimination zone," of the boll weevil eradication program; and to amend Section 2-19-134 of the Code of Alabama 1975, relating to the conduct of referendums for the boll weevil eradication program; to provide for the referendum requirements when the elimination zone is in the confirmation phase of the eradication program.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-89

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hayden offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 375.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 224, the time to debate the bill, H. 375, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative White offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 8.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 224, the time to debate the bill, H. 8, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 529, was adopted.

Yeas 64; Nays 1.

Yea:

Mr. Speaker, Bandy, Box, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaston, Graham, Guin, Hall (A), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Jorgensen, Knight (A), Laird, Layson, Letson, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, White and Willis.

-64

Nay:

Representative Newton (D).

And the bill:

H. 529. Relating to the Legislative Reference Service, specifying that certain communications are privileged; specifying those actions which constitute a waiver of this privilege; and amending Section 29-7-6 of the Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

-79

Nay:

Representative Newton (D).

- 1

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 434. To amend Section 2-19-121 of the Code of Alabama 1975, to further provide for the definitions, including "confirmation phase" and "elimination zone," of the boll weevil eradication program; and to amend Section 2-19-134 of the Code of Alabama 1975, relating to the conduct of referendums for the boll weevil eradication program; to provide for the referendum requirements when the elimination zone is in the confirmation phase of the eradication program.

TOMMY CARTER
Chairman

And the bill, H. 434, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, H. 156, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White and Willis.

-79

And the bill:

H. 156. (With Substitute): To permit members of the Teachers' Retirement System to purchase up to five years of prior service credit for service rendered as regular employees of Walker College, prior to the merger of the school with the University of Alabama at Birmingham.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To permit members of the Teachers' Retirement System to purchase up to five years of prior service credit for service rendered as regular employees of Walker College, prior to the merger of the school with the University of Alabama at Birmingham.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Any active and contributing member of the Teachers' Retirement System of Alabama, who prior to the effective date of this act was a regular employee of Walker College, may claim and purchase prior service credit, not to exceed five years, for that prior service. Contributing members have one year from the effective date of this act to make a lump sum payment in order to gain credit for up to five years of eligible service at Walker College.

(b) Any person eligible under subsection (a) to claim and purchase credit for prior service shall be awarded credit for the service under the Teachers' Retirement System of Alabama if he or she complies with each of the following requirements:

(1) The person provides certification to the Teachers' Retirement System no later than 60 days before the date of his or her retirement, as to the time of service and salary for each period of claimed service. The certification shall be made by the employing institution from official employment records.

(2) The person, prior to the date of his or her retirement and within the one year limit, pays to the Secretary-Treasurer of the Teachers' Retirement System of Alabama for each year of prior service credit claimed, a percentage of his or her current annual earnable compensation or final average salary, whichever is greater, for each year of service credit purchased; the applicable percentage of the compensation or salary shall be the sum of the prevailing rates of employer and member contributions, as required by the most recent actuarial valuation.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dolbare, Drake, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

And the bill:

H. 156. To permit members of the Teachers' Retirement System to purchase up to five years of prior service credit for service rendered as regular employees of Walker College, prior to the merger of the school with the University of Alabama at Birmingham.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Warren, White and Willis.

-79

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Warren, the Budget Isolation Resolution relating to the bill, H. 143, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Buskey, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-78

And the bill:

H. 143. (With Substitute) (With Amendment): To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Constitutions and Elections, said committee substitute being as follows:

To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Warren offered the following substitute to the substitute reported by the Standing Committee on Constitution and Elections to the bill, H. 143, and to the pending committee amendment:

A BILL TO BE ENTITLED AN ACT

To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-4-156 of the Code of Alabama 1975, is amended to read as follows:

"§17-4-156.

"(a) Each member of the board of registrars in the counties of Chambers, Cherokee, Clarke, Clay, Cleburne, Conecuh, Coosa, Crenshaw, Dallas, Escambia, Geneva, Hale, Henry, Lawrence, Limestone, Lowndes, Perry, Sumter, Washington, and Wilcox may meet a maximum of 120 working days each fiscal year beginning October 1, 1984, and thereafter; each member of the board of registrars in the counties of Barbour, Blount, Butler, Covington, Fayette, Greene, Lauderdale, Lee, Marengo, Pickens, Pike, Randolph, Talladega, and Winston may meet a maximum of 168 working days each fiscal year beginning October 1, 1984, and thereafter, except in the counties of Lee and Pike each board of registrars may meet up to an additional 30 session days each fiscal year, at the discretion of the chairman of the county commission, beginning October 1, 1985, and thereafter and such days shall be paid from the respective county funds; each member of the board of registrars in Tallapoosa County may meet a maximum of 220 working days each fiscal year beginning October 1, 1994, and thereafter; each member of

the board of registrars in the counties of Dale, Franklin, ~~Houston~~, Marshall, Marion, Bullock, Macon, St. Clair, and Tuscaloosa may meet a maximum of 216 working days each fiscal year beginning October 1, 1984, and thereafter; and each member of the boards of registrars in the counties of DeKalb, Elmore, Jackson, ~~Limestone~~, Russell, and Shelby may meet a maximum of 167 working days each fiscal year beginning October 1, 1984, and thereafter.

"(b) In the counties of Choctaw, Coffee, Colbert, Cullman, and Monroe, each member of the board of registrars may meet a maximum of 199 working days each fiscal year beginning October 1, 1984, and thereafter.

"(c) Each member of the board of registrars of Etowah, Autauga, and Bibb counties may meet a maximum of 187 working days each fiscal year. Each member of the board of registrars of Walker County may meet a maximum of 180 days each fiscal year and each member of the board of registrars of Lamar County may meet a maximum of 140 days each fiscal year.

"(d) The provisions of this section to the contrary, the boards of registrars of Cherokee, Clarke, Clay, Conecuh, Crenshaw, Hale, Jackson, Randolph, and Washington Counties may meet a maximum of 140 days each fiscal year until October 1, 1998, at which time the boards shall meet as otherwise provided in this section.

~~"(d)~~ (e) Each member of the board of registrars in the counties of Baldwin, Calhoun, Chilton, ~~Houston~~, Madison, Mobile, Montgomery, and Morgan ~~are authorized to~~ may meet not more than five days each week for the purpose of carrying out their official duties. Jefferson County, which is now operating under the provisions of local bills, shall be exempted from the provisions of this section. Provided, however, that where the words "each year" are used in the local acts the words mean "each fiscal year beginning October 1, 1984, and thereafter."

~~"(e)~~ (f) The actual number of working days to be used as session days shall be determined by a quorum of the board according to the needs of the county.

~~"(f)~~ (g) As many as 25 of the allotted working days may be used for special registration sessions (i.e., those sessions held away from the courthouse in the several precincts of the county or sessions held on Saturday or between the hours of 5:00 P.M. and 9:00 P.M.). Notice of any special session scheduled by the board shall be given at least 10 days prior to the special session by (1) bills posted at three or more public places in each election precinct affected, if the session involves precinct visits, and (2) advertisement once a week for two successive weeks in a newspaper published in the county or by radio or television announcements on a local station, or both by newspaper or announcement."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Warren was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Buskey, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Reed, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-74

And the bill:

H. 143. To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McClammy, McDaniel, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-77

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 538, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-85

And the bill:

H. 538. Providing for absentee ballots to be mailed to physically incapacitated absentee voters before an election.

was taken up.

AMENDMENT OFFERED

Representative Venable offered the following amendment to the bill, H. 538:

On page 1, line 13, after the period insert the following new sentence: This bill would also provide for alternative absentee applications and ballots to accommodate handicapped voters.

On page 1, line 20, after the word "election" insert the following: and providing for alternative absentee applications and ballots to accommodate handicapped voters

On page 2, line 17, insert the following new Section 2 and renumber the subsequent sections accordingly:

Section 2. The Secretary of State shall establish alternative forms of absentee applications and absentee ballots which may be used by qualified electors on the permanent list who are unable to use regular forms.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-87

And the bill:

H. 538. Providing for absentee ballots to be mailed to physically incapacitated absentee voters before an election and providing for alternative absentee applications and ballots to accommodate handicapped voters.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-87

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 152, was adopted.

Yeas 58; Nays 24.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Smith, Starkey, Thomas (D), Townsend, Turnham, Venable, Willis and Wren.

-58

Nay:

Representatives Baker, Bandy, Black (L), Drake, Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Reed, Robinson, Rogers (J), Spratt, Thomas (J) and Warren.

-24

And the bill:

H. 152. To provide for a statewide voter file maintenance process; to provide that the state shall pay certain costs associated with the process; and to provide for certain supplemental effect.

was taken up.

MOTION TO INDEFINITELY POSTPONE OFFERED

Representative Holmes offered the motion to indefinitely postpone the bill, H. 152.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 538. Providing for absentee ballots to be mailed to physically incapacitated absentee voters before an election and providing for alternative absentee applications and ballots to accommodate handicapped voters.

TOMMY CARTER
Chairman

And the bill, H. 538, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 143. To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of certain county boards of registrars.

TOMMY CARTER
Chairman

And the bill, H. 143, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 156. To permit members of the Teachers' Retirement System to purchase up to five years of prior service credit for service rendered as regular employees of Walker College, prior to the merger of the school with the University of Alabama at Birmingham.

TOMMY CARTER
Chairman

And the bill, H. 156, as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 225. COMMENDING GAINES RAY JEFFCOAT AND RECOGNIZING THE NAMING OF THE GAINES RAY JEFFCOAT CONFERENCE AND RECREATION CENTER.

Also:

The following resolutions were introduced:

By Representative Fuller:

H.J.R. 226. CREATING THE INSTRUCTIONAL TECHNOLOGY REVIEW COMMITTEE AND THE LEGISLATIVE EDUCATION TECHNOLOGY OVERSIGHT COMMITTEE AND PROVIDING GUIDELINES FOR A CLASSROOM TECHNOLOGY PILOT PROGRAM, SUBJECT TO LEGISLATIVE APPROVAL AND FUNDING.

The resolution, H.J.R. 226, was read and referred to the Standing Committee on Rules.

Also:

By Representative Fuller:

H.J.R. 227. NAMING THE NEW BRIDGE ON COUNTY ROAD 379 IN LEE COUNTY, THE "HUGH BRYANT BYRD BRIDGE."

The resolution, H.J.R. 227, was read and referred to the Standing Committee on Rules.

Also:

By Representative Robinson:

H.J.R. 228. HONORING MR. CHARLIE COOK ON THE OCCASION OF HIS 99TH BIRTHDAY.

The resolution, H.J.R. 228, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Guin and Hogan:

H.J.R. 229. MOURNING THE DEATH OF HERMAN WALTER MADDOX OF JASPER, ALABAMA.

The resolution, H.J.R. 229, was read and referred to the Standing Committee on Rules.

Also:

By Representative Townsend:

H.J.R. 230. COMMENDING WILLIAM HAWKINS OF GARDENDALE, ALABAMA.

The resolution, H.J.R. 230, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 231. INVITING DANIEL S. GOLDIN, ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

The resolution, H.J.R. 231, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 232. COMMENDING ALABAMA PUBLIC TELEVISION FOR FORTY YEARS OF EXEMPLARY SERVICE TO THE RESIDENTS OF ALABAMA.

The resolution, H.J.R. 232, was read and referred to the Standing Committee on Rules.

Also:

By Representative Rogers (J):

H.R. 233. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. 728.

The resolution, H.R. 233, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

**REGULAR SESSION
14th Day**

1207

Delivered to the Governor at 1:15 P.M. on June 6, 1995.

H.J.R. 216	H.J.R. 200
H.J.R. 188	H.J.R. 201
H.J.R. 179	H.J.R. 203
H.J.R. 182	H.J.R. 205
H.J.R. 184	H.J.R. 209
H.J.R. 192	H.J.R. 211
H.J.R. 194	H.J.R. 212

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Knight (J), the House adjourned until 9:30 o'clock a.m., Thursday, June 8, 1995.

Yeas 47; Nays 35.

Yea:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Carothers, Dolbare, Flowers, Galliher, Graham, Guin, Hall (A), Hall (L), Hawk, Hawkins, Hayden, Hilliard, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Mitchell, Morrow, Newton (D), Papucci, Payne, Perdue, Robinson, Rogers (J), Thomas (D), Thomas (J), Townsend, Warren and White.

-47

Nay:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaston, Gipson, Hamilton, Hammett, Hinshaw, Moore, Morrison, Morton, Murphree, Newton (C), Parker (T), Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Spratt, Turner, Vance, Venable, Willis and Wren.

-35

FIFTEENTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, June 8, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Jackson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Amanda Pate, 10th Grade, Ralph Pate, 9th Grade, Southern Academy, Greensboro, Alabama, and Jonathan Barganier, Tom Schmaeling, Catherine Alley, 6th Grade, Trinity School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourteenth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fourteenth legislative day was dispensed with.

MOTION TO RECESS ADOPTED

The motion offered by Representative Hammett that the House recess from 12:00 o'clock Noon until 1:15 o'clock p.m. was adopted.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:30 o'clock p.m. on Tuesday, June 13, 1995, and the motion was adopted.

RESOLUTION

The following resolution was introduced:

By Representative Hammett:

H.J.R. 234. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, June 15, 1995, they adjourn to meet again on Tuesday, June 20, 1995, and when they adjourn on Tuesday they adjourn to meet again on Wednesday, June 21, 1995, and when they adjourn on Wednesday they adjourn to meet again on Thursday, June 22, 1995.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 234, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Parker (T), House Rule 60 was suspended in order to permit the Standing Committee on Local Legislation No. 6 to meet while the House is in Session.

BILLS ON SECOND READING

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 657. To amend Section 6-5-391, Code of Alabama 1975, to further provide for the distribution of any damages recovered in a wrongful death action involving a minor child.

H. 700. Relating to Title 7 of the Code of Alabama of 1975, the Uniform Commercial Code, to repeal the current Article 8 and provide for a new Article 8 relating to investment securities and to provide for all of the following: short title and general matters, issue and issuer, transfer of certificated and uncertificated securities, registration, security entitlements, transition provisions for revised Article 8 and conforming amendments to Articles 1, 5, 9, and 10, the perfection of a security interest in investment property in multiple state transactions and in certain other investment property, security interest arising in purchase or delivery of financial assets, conforming amendments to the Alabama Business Corporation Act and the General Statute of Frauds, and shares without certificates under the Alabama Business Corporation Act; to amend Sections 7-9-103, 7-9-105, 7-9-106, 7-9-203, 7-9-301, 7-9-302, 7-9-304, 7-9-306, 7-9-309, and 7-9-312 of the Code of Alabama 1975; to add Sections 7-9-115 and 7-9-116 to the Code of Alabama of 1975; to amend 7-1-105, 7-1-201, 7-1-206, 7-5-114, 7-10-104, and 8-9-2 of the Code of Alabama of 1975; to amend Act 94-245, 1994 Regular Session, now appearing as Sections 10-2B-6.26 and 10-2B-6.27, Code of Alabama 1975; and to specify a prospective effective date.

H. 718. To provide for the Uniform Partnership Act of 1995 with Limited Liability Partnership relating to the organization and operation of a business partnership and a limited liability partnership in Alabama; to provide generally for a partnership and a partnership agreement; to provide for the nature of a partnership and the relations of a partner to other partners, the partnership, and persons dealing with a partnership; to provide for transferees and creditors of a partner; to provide for a partner's dissociation and a partner's dissociation when a business is not wound up, and the winding up of a partnership business; to provide for conversions and mergers of partnerships; to provide for registered limited liability partnerships; to provide for the uniformity of application and construction, applicability, savings clause, composite tax returns, and taxation of a registered limited liability partnership; to repeal Sections 10-8-1 through 10-8-7; 10-8-20 and

10-8-21; 10-8-40 through 10-8-56; 10-8-70 through 10-8-73; and 10-8-90 through 10-8-103, Code of Alabama 1975; and to provide an effective date of January 1, 1996.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 206. To rename the Tannehill Furnace and Foundry Commission the Alabama Historic Ironworks Commission and broaden the authority of the renamed commission.

S. 227. Amending Section 29-2-41.2 of the Code of Alabama 1975, to provide procedures for review of certain legal services contracts by the Legislative Contract Review Oversight Committee.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 679. (With Amendment): To authorize and adopt a voluntary public-private non-profit partnership or trust agreement proposed by The Citizenship Trust; to enhance and expand citizenship education of young people; and to provide for the purposes, member parties, organization, structure, incorporation, non-profit status, powers, tax exemption from state and local taxes.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 664. To provide that a service contract, extended warranty, or other written agreement purchased for an additional cost to maintain, repair, or replace tangible property over a fixed period of time shall not be deemed an insurance contract.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 164. (With Substitute): To repeal Act No. 91-731, S. 411, 1991 Regular Session, now codified as Section 2-3-22, Code of Alabama 1975, providing the commissioner of the Department of Agriculture and Industries authority to employ one person in the unclassified service for each market of the department.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 614. (With Amendment): To amend Section 41-19-3, Code of Alabama 1975, relating to the Budget Management Act, to change the date that the Governor is required to present the long-range revenue and expenditure plan to the Legislature.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 651. Relating to county boards of education; to amend Section 16-8-39 of the Code of Alabama 1975, to provide for the keeping of financial records in the manner approved by the State Superintendent of Education and for the annual audit of county boards of education; and to amend Section 41-5-14 of the Code of Alabama 1975, relating to the Examiners of Public Accounts and the auditing of governmental units, to exempt county boards of education from the requirement that they be audited by the Examiners of Public Accounts.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 675. (With Amendment): To amend Section 41-22-5 of the Code of Alabama 1975, relating to the procedure for the adoption of rules pursuant to the Alabama Administrative Procedure Act, to provide that a rule which increases the taxes, fees, or other revenues administered by an agency by more than a nominal amount shall not be valid.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 334. To create the Joint Legislative Committee on Federal Mandates Act to protect state sovereignty from federal encroachment by making the Alabama Congressional Delegation cognizant of the effect the actions of the federal government have at the state legislative level and to provide for an annual review of federal activity.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 335. (With Amendment): To create the position of Mandate Auditor; to provide for the duties of the Mandate Auditor; and to provide for definitions.

H. 691. (With Amendment): To amend Section 23-1-280 of the Code of Alabama 1975, relating to the payment for the removal of nonconforming signs adjacent to a highway under certain circumstances; to provide that the owner of a lawfully erected sign would be paid monetary just compensation; to provide that payment would be pursuant to eminent domain; and to provide that amortization would not apply.

H. 610. (With Amendment): To amend Section 11-43-143 of the Code of Alabama 1975, relating to employee organizations of firefighters to provide a procedure for a written response from the employing governing body to proposals from firefighters.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 331. Exempting certain persons from state licensure, registration, and certification requirements who are in the state to render certain services for the Games of the Twenty-Sixth Olympiad and the Games of the Tenth Paralympiad to be held, in part, in Alabama in 1996; to provide for consent for certain medical services; and to provide for repeal of this act on December 31, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 620. Relating to cigarettes; to amend Sections 40-25-2 and 40-25-23, Code of Alabama 1975; to increase cigarette tax; and to provide that any new funds generated by the tax shall be distributed to the Juvenile Justice School Safety Trust Fund.

H. 621. Relating to the Children First Program; to establish the Juvenile Justice and School Safety Trust Fund within the State Treasury; to provide for the management and administration of the fund by the Alabama Juvenile Justice Coordinating Council; to make an allocation to the Department of Youth Services, the State Board of Education, the Administrative Office of Courts, the State Multiple Needs Children's Fund, and the Children's Trust Fund for intensive child and family care programs.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 600. (With Amendments): Providing further for the office of the Attorney General by amending Sections 36-15-1, 36-15-4.2, 36-15-5.1, 36-15-6, 36-15-10, 36-15-10.1, 36-15-11.1, 36-15-21, and 36-15-60 of the Code of Alabama 1975, relating to the duties, personnel, and certain funds of the office and repealing Sections 36-15-2, 36-15-4, 36-15-7, 36-15-8, 36-15-11, 36-15-18, and 36-15-20 of the Code of Alabama 1975.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 569. (With Substitute) (With Amendment): Establishing a Study Commission to study the feasibility of the Alabama Stadium and Exposition District, and creating the Alabama Stadium and Exposition District.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 643. To impose an additional fine for persons convicted of drug possession, drug sale, drug trafficking, and drug paraphernalia offenses; to provide for the creation of the Alabama Forensic Services Trust Fund; to provide for an appropriation to the Department of Forensic Sciences for the 1996 fiscal year, and for an effective date.

H. 646. To amend Section 40-18-100 of the Code of Alabama 1975, relating to the setoff of the debts against state income tax refunds; to include the Alabama Medicaid Agency in the statutory definition of "Claimant Agency"; to grant authority to the Commissioner of Medicaid to provide for the offset of refunds to satisfy debts owed the agency by Medicaid debtors.

H. 693. To amend Section 41-4-60, Code of Alabama 1975, relating to state warrants; to reduce the period of time to one year for which a state warrant may be presented for payment, or for which a claim on a warrant may be made.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 205. To amend Section 11-43-144, Code of Alabama 1975; to provide further for compensation for death or disability of fire fighters from occupational diseases.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 690. (With Amendment): To amend Section 40-23-1, Code of Alabama 1975, relating to withdrawals of inventory and the amount of sales tax, and to provide for a retroactive effect.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 542. (With Substitute): To amend Sections 40-10-1, 40-10-2, 40-10-9, 40-10-10, and 40-10-18 of the Code of Alabama 1975, relating to sales of lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales and to provide for certain redemption procedures.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 631. To provide for funding and payment of certain cost-of-living adjustments for retirees, surviving spouses, and designated beneficiaries of certain local public and quasi-public hospital corporations participating or formerly participating in the Employees' Retirement System.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same Returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 663. Relating to the issuance of a special events license to sell alcoholic beverages; to amend Section 28-3A-20 of the Code of Alabama 1975, so as to reduce the minimum advance application period.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 673. Relating to Lauderdale County; providing authority for a county personnel system adopted by the Lauderdale County Commission; and providing for the authority of the county to implement policies and procedures for the county, county employees, and employees of elected officials.

H. 674. Relating to Lauderdale County; to amend Section 3 of Act No. 586, H. 717 of the 1965 Regular Session (Acts 1965, p. 1095) creating a civil service board of appeals, to provide for membership of the civil service board of appeals; and to specifically repeal Act No. 1695, H. 2263 of the 1971 Regular Session (Acts 1971, p. 2852), creating a civil service board in counties having a population of not less than 65,500 nor more than 75,200 according to the most recent or any subsequent federal decennial census.

Representative Hall (A), Chairperson of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 703. To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County and Limestone County to remove certain property from the corporate limits of the municipality.

S. 34. Relating to Madison County; providing for an additional expense allowance and for the salary of the coroner.

Representative Parker (T), Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 699. Relating to Tuscaloosa County; to provide that the bailiffs for the Sixth Judicial Circuit of Alabama shall be authorized and allowed to participate in law enforcement minimum standard training; and to authorize leaves of absence for the bailiffs for the purposes provided for in this act.

Representative Reed, Chairperson of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 64. (With Amendment): To require notice and a hearing before the Department of Human Resources revokes or refuses to renew the license or the approval of a child care facility, or refuses to issue a full license to the holder of a six-month permit.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 231. INVITING DANIEL S. GOLDIN, ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, Mr. Daniel S. Goldin has a long and distinguished career with the National Aeronautics and Space Administration; and

WHEREAS, under his dynamic leadership the nation's aeronautics and space agency is "reinventing" itself as it prepares for bold new endeavors in the 21st Century; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request Mr. Daniel S. Goldin to address a joint session of the Alabama Legislature on Thursday, June 15, 1995, at 10:30 a.m. whereupon the Alabama Senate and the Alabama House of Representatives will assemble in joint session in the House Chamber to hear his remarks.

BE IT FURTHER RESOLVED, That Mr. Goldin be advised by copy of this resolution of our invitation to address the Legislature and of our hopeful anticipation of his acceptance.

On motion of Representative Carter, the resolution, H.J.R. 231, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 233. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. 728.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinion on the following constitutional question which has arisen concerning the pending H. 728, a copy of which is attached to this resolution and made part hereof by reference, which creates the offices of Honorary Member of the House of Representatives, Honorary Senator, and

Honorary Lieutenant Governor of the state and provides requirements for holding the offices:

Do the provisions of Section 3 of H. 728 that allow the Legislature, from time to time, to fix expenses payable to the honorary officers and contributions which might be required of members and former members under the same provisions of Amendment No. 57 to the Constitution of Alabama of 1901, which permit the Legislature to fix legislative expense allowances violate provisions of Amendment No. 513 to the Constitution of Alabama of 1901?

RESOLVED FURTHER, That the Clerk of the House of Representatives is hereby directed to send nine true copies of the pending bill, H. 728, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Representative Carter, the resolution, H.R. 233, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Haney, Hinshaw, Papucci, Minnifield, McDaniel, Hawk, Dukes, Sanderford, Rogers (M), Black (M), Hill, Gaines, Curry, Sanderson, Newton (D), Fuller, McMillan, Penry, Parker (T), and Reed:

H. 731. To amend Sections 16-13-62, 16-13-64, and 16-13-65, Code of Alabama 1975, relating to the local funding of public schools, to provide further for the minimum amount of local funding.

COMMITTEE ON WAYS AND MEANS

By Representatives Guin and Hogan (With Notice and Proof):

H. 732. Relating to Walker County; authorizing the district attorney to establish a "Municipal Restitution Recovery Division" within the Office of the District Attorney; providing for collection and enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures in municipal courts; providing a collection fee; providing funding for the Municipal Restitution Recovery Division; and providing for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 732, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Petelos and Newton (D):

H. 733. To amend Sections 15-18-171, 15-18-172, 15-18-175, 15-18-176, 15-18-178, 15-18-180, and 15-18-184, Code of Alabama 1975, to provide further for the Community Punishment and Corrections Act of 1991, with other sentencing laws and existing community corrections programs; to authorize counties to participate in the program; to authorize the use of inmates in state, county, or municipal employment or community service; to allow authorities established under the act to participate in state and county liability self-insurance funds upon terms and conditions established by the programs of the funds; and to make related changes.

COMMITTEE ON JUDICIARY

By Representative Black (M) (With Notice and Proof):

H. 734. Relating to Colbert County and its municipalities; to amend and reenact Act No. 86-231, S. 515 of the 1986 Regular Session (Acts 1986, p. 341), forming a Shoals Industrial Development authority for promoting industry and trade and the development of the counties and cities; for the purpose of forming a Shoals Economic Development Authority for promoting the economic development of the counties and cities.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 734, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Knight (A), Wren, Flowers, Moore, Millican, Gipson, Carter, Curry, Jackson, Burke, Gaston, McDaniel, Hill, Seibenhener, Hall (A), and Galliher:

H. 735. To encourage environmental, health, and safety (EHS) audits by creating a limited EHS audit privilege; to provide for the use of the EHS audit privilege.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Carns, Curry, Hawkins, Sanderson, Wren, Johnson (E), Smith, Hooper, Gaston, Dean, McMillan, Baker, Penry, Sims, Willis, Clouse, Moore, Mauli, Seibenhener, Hamilton, Flowers, Knight (A), McKee, Allen, Payne, Sanderford, Morrow, Galliher, Lindsey, Townsend, Hill, Thomas (D), Rogers (M), Haney, Papucci, Dukes, McDaniel, Graham, Carter, Burke, Laird, Millican, Dolbare, Warren, Vance, and Turner:

H. 736. To require all criminal cases to proceed to trial within 90 days after the defendant is charged by an indictment or information and to provide that cases not brought to trial within 90 days and not continued for specified reasons, would be dismissed; to provide that the 90-day period be increased to 120 days during the first year after the effective date of this act; to specify exceptional circumstances for which a continuance may be granted; to provide for the length of the continuance in certain felony cases; to provide for the empaneling of a grand jury; and to provide an effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Turnham, Fuller, Bandy, and Reed (With Notice and Proof):

H. 737. To authorize the governing body of the City of Auburn, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the said city, on all taxable property situated within the said city, the special ad valorem tax for the support and furtherance of education which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the said city, which is equal to \$1.10 on each one hundred dollars (11 mills on each dollar) of assessed value.

COMMITTEE ON LOCAL LEGISLATION NO. 8

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 737, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hooper and Fuller:

H. 738. To amend Section 36-29-14 of the Code of Alabama 1975, relating to the state employees' health insurance plan, and providing procedures for the officers, employees, and retirees of the Alabama Retired State Employees' Association to be covered under the plan; and to provide additional requirements for entities withdrawing from participation.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (C) (With Notice and Proof):

H. 739. Relating to Crenshaw County; abolishing the office of constable.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 739, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

**REGULAR SESSION
15th Day**

1221

By Representatives Houston, McAdory, Rogers (J), Hilliard, Newton (D), Spratt, Perdue, and Johnson (E) (With Notice and Proof):

H. 740. Relating to the City of Fairfield in Jefferson County, Alabama; to validate actions of the city governing body relative to the establishment of the Fairfield Civic Center.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 740, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Spratt, Hilliard, Melton, Houston, McAdory, and Johnson (E):

H. 741. To amend Section 16-28-19, Code of Alabama 1975, relating to attendance districts, to provide that an attendance officer patrol the attendance district and take into custody a child under the age of 16 who is away from home and not in custody of the person having charge or control of the child if the child is not exempt from attending school.

COMMITTEE ON EDUCATION

By Representative Carothers:

H. 742. To exempt amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, to exempt all domestically mined or produced coal, coke, and coke by-products used in cogeneration plants in the state from the payment of all state sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Thomas (D):

H. 743. To amend Section 32-5A-191.1 of the Code of Alabama 1975, relating to additional fines on persons convicted of offenses involving driving under the influence; and to provide for an increase of the fine.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Turnham, Kennedy, Penry, Knight (J), Carothers, Starkey, Parker (T), Morton, Haney, Hawkins, Curry, and Burke:

H. 744. To propose an amendment to the Constitution of Alabama of 1901, to provide that standing committees of the Alabama Legislature may meet and conduct business at any location within the State of Alabama.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Guin and Hogan (With Notice and Proof):

H. 745. Relating to the Fourteenth Judicial Circuit of Alabama; to authorize the district attorney to establish a "restitution recovery division" within the Office of the District Attorney; to provide for collection and enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victims' compensation assessments, and bond forfeitures; to provide for a collection fee; to provide funding for the new restitution recovery division; and to provide for a circuit clerk's fund to assist the clerk in the implementation of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 745, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hooper:

H. 746. Reopening the Employees' Retirement System to allow certain active and vested members of the system to purchase certain credit in the system for service rendered to the Office of Minority Business Enterprise.

COMMITTEE ON WAYS AND MEANS

By Representative Lindsey:

H. 747. To amend Section 2-15-66, Code of Alabama 1975, to further regulate the purchase and sale of livestock at auction for a commission and to provide for the disclosure of the name of the purchaser at the time of the sale under certain conditions.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives McDaniel, White, Clark (J), Carter, Starkey, Hooper, Sanderford, Vance, Black (L), Knight (A), Burke, Hawk, and Hammett:

H. 748. To amend Sections 40-1-44, 40-12-190, 40-12-198, 40-12-199, 40-17-1, 40-17-2, 40-17-5, 40-17-7, 40-17-9, 40-17-14, 40-17-22, 40-17-203, 40-17-220, and 40-17-221, relating to motor fuel taxes, to further define certain terms and clarify language therein; to further specify refund requirements; to provide for the payment of interest on refunds not processed within 90 days; to impose a certain floor stocks tax on motor fuel on a certain date; to prescribe

penalties for violations and to repeal Sections 40-17-3, 40-17-4, 40-17-11, 40-17-12, and 40-17-21.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel, White, Clark (J), Carter, Starkey, Drake, Hooper, Sanderford, Vance, Black (L), Knight (A), Burke, Hawk, and Hammett:

H. 749. Relating to county roads; to establish the Rural Access Program; to provide definitions; to create a fund in the State Treasury which shall be called the Rural Access Program Fund; to describe the sources of revenue for the fund; to provide the distribution and appropriation of revenues for the Rural Access Program; to provide for the use of the funds; to provide that appropriations for the Rural Access Program are capital outlay appropriations; to provide that Rural Access Program Funds shall be matched by county funds and that they may be used for a portion of the county matching share of any federally funded county projects; to provide for obligation limitations; to provide that the Transportation Director shall have sole authority to promulgate rules and regulations for the operation of the Rural Access Program; to provide that the Department of Transportation shall specify design criteria for county projects; to provide that county projects shall be approved by the Department of Transportation; to provide that any county eligible for aid under this act shall have a professional licensed county engineer; to provide that the county shall furnish project design, supervision of construction, and acquisition of right-of-way for county projects at the expense of the county; to provide that county projects shall be let to contract by the Department of Transportation; to provide that unobligated funds shall revert and be redistributed to other counties at the end of a three fiscal year period; to provide that any county road projects constructed pursuant to this act shall be maintained by the county and shall meet maintenance standards established by the Department of Transportation or further funding pursuant to this act shall be withheld; to provide that if a house bill whose purpose is to strengthen gasoline and motor fuel tax laws to eliminate fuel tax evasion does not become law, this act shall not become effective.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel, White, Clark (J), Carter, Starkey, Sanderford, Vance, Black (L), Burke, Hawk, and Hammett:

H. 750. To amend Section 18-1A-211, Code of Alabama 1975, which relates to the interest rate paid on judgments for money payment in a condemnation action, to provide that the judgments shall bear interest at the same rate as the prevailing rate paid on 52-week United States Treasury Bills and to further provide for the date of accrual.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel, White, Clark (J), Carter, Hawkins, Starkey, Drake, Hooper, Sanderford, Vance, Black (L), Knight (A), Burke, Hawk, and Hammett:

H. 751. Relating to the disposition of surplus personal property owned by the Alabama State Department of Transportation; to provide that the Alabama Department of Transportation may promulgate administrative rules and regulations for the disposition of the surplus personal property of the department; to provide that the Department of Transportation may sell surplus personal property at fair market value to incorporated cities, counties, volunteer fire departments, boards of education, civil defense agencies, or state departments, boards, bureaus, commissions, or agencies; to provide that the Department of Transportation shall make available surplus personal property for inspection and publish a list of all surplus personal property available to sell by the Department of Transportation; to provide for the disposition of all surplus personal property owned by the Department of Transportation with the exception of property the disposal of which is otherwise provided for by law or which, by nature, is incapable of sale by auction or bid shall be let by free and open competitive public auction or sealed bids; to provide for advertisement of the auction; to provide for certain rules and regulations concerning bidding; to provide for the method of payment for the surplus personal property sold; to provide for the disposition of the proceeds of the sales of surplus personal property; to provide that no officer or employee of the state or any of its departments, boards, commissions, institutions, corporations, or agencies shall act as an agent for any bidder; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel, White, Clark (J), Carter, Starkey, Drake, Hooper, Sanderford, Vance, Black (L), Knight (A), Burke, Hawk, and Hammett:

H. 752. To amend Sections 32-9-5, 32-9-6, and 32-9-29 of the Code of Alabama 1975, which relates to fees, penalties, and disposition of fines and forfeitures for the operation of any truck, semitrailer truck or trailer in this state; to provide for an increase in the fees, penalties, and disposition of fines and forfeiture pertaining to trucks, semitrailer trucks, or trailers in this state.

COMMITTEE ON WAYS AND MEANS

By Representatives Gipson, Flowers, Rogers (M), Vance, and Wren:

H. 753. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-68, 34-29-69, and 34-29-70, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical Examiners; to change the name of the executive secretary to executive director; and to increase the compensation of the executive director.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Knight (A), Ford, Newton (D), Gaston, Robinson, Melton, Drake, Moore, Baker, Carothers, Millican, Parker (T), Reed, Layson, Collins, Venable, Gipson, Hill, Johnson (R), McDaniel, Sims, Morrison, Rogers (M), Rogers (J), Johnson (E), Graham, Bandy, Clark (J), Boyd, Houston, McAdory, Jackson, Minnifield, Maull, Jorgensen, Thomas (D), Petelos, Morton, Crigler, Curry, Fuller, Hammett, Sanderson, Gaines, Penry, Dolbare, Galliher, Dukes, Smith, Black (M), Lindsey, Hawk, Murphree, Letson, Spratt, Hall (A), Morrow, Page, Flowers, Dean, Pringle, Vance, Wren, Hayden, McClammy, Knight (J), Hogan, Guin, Willis, Clouse, Warren, Thomas (J), Box, Holmes, Seibenhener, Buskey, Clark (W), White, Turnham, Hawkins, Carns, Kennedy, Carter, Hilliard, and Hall (L):

H. 754. To amend Section 22-21-265 of the Code of Alabama 1975, relating to the certificate of need process for new institutional health services and providing an exemption for an increase in the bed number by a skilled nursing facility or intermediate care facility under certain conditions; to ratify certain actions taken by the State Health Planning and Development Agency; and to specify rounding of certain occupancy rates to the nearest whole number.

COMMITTEE ON STATE ADMINISTRATION

By Representative Johnson (R):

H. 755. To provide that a retired state employee may accept new employment with a city, county, or state agency and continue to receive retirement benefits; to provide that the retired employee shall not receive additional retirement benefits for the new employment even though he or she contributes to the retirement system; to provide that upon termination of employment with the state, county, or city agency, the employed retiree shall receive the principal amount paid into the retirement system less any interest earned on the principal amount.

COMMITTEE ON WAYS AND MEANS

By Representative Hawkins (With Notice and Proof):

H. 756. To alter, rearrange and extend the boundary lines and incorporate limits of the municipality of Hoover, in Jefferson County.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 756, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hawkins (With Notice and Proof):

H. 757. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Hoover in Shelby County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 757, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hawkins (With Notice and Proof):

H. 758. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hoover, in Jefferson County.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 758, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson (R):

H. 759. Relating to the Alabama Institute for Deaf and Blind; amending Section 21-1-2 of the Code of Alabama 1975, to alter the composition of the board of trustees of the institution.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Flowers, Hooper, Fuller, Gaines, Hill, Knight (A), Dean, Pringle, Gaston, Penry, Vance, Wren, Moore, Parker (T), Newton (C), Clouse, Turnham, McMillan, Sanderson, Carns, Hawkins, Townsend, McKee, Layson, Collins, Warren, Maull, Seibenhener, Baker, Millican, Laird, Johnson (R), Haney, Papucci, Hinshaw, Allen, Petelos, Sanderford, McDaniel, Morton, Curry, Gipson, Carter, Burke, Crigler, Murphree, Smith, Sims, Willis, Jorgensen, Thomas (D), Dukes, and Box:

H. 760. Relating to workers' compensation; to amend Sections 25-5-1, 25-5-8, 25-5-11, 25-5-11.1, 25-5-14, 25-5-51, 25-5-52, 25-5-53, 25-5-56, 25-5-57, 25-5-58, 25-5-59, 25-5-68, 25-5-77, 25-5-78, 25-5-80, 25-5-81, 25-5-90, 25-5-110, 25-5-115, 25-5-226, 25-5-290, 25-5-291, 25-5-292, and 25-5-293, Code of Alabama 1975, and to add Section 25-5-220, Code of Alabama 1975, to make substantial alterations in the existing law.

COMMITTEE ON BUSINESS AND LABOR

By Representative Box:

H. 761. To make an appropriation from the Alabama Special Educational Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Lindsey:

H. 762. To make a supplemental appropriation from the State General Fund in the State Treasury to the Department of Mental Health and Retardation, in the amount of four hundred thousand dollars (\$400,000) for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 763. To appropriate one hundred sixty-five thousand dollars (\$165,000) from the State General Fund in the State Treasury to the Alabama Emergency Management Agency.

COMMITTEE ON WAYS AND MEANS

By Representatives Guin and Hogan (With Notice and Proof):

H. 764. Relating to Walker County; to assess certain fees and additional fees on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, staffing, operation, and financing of a county jail; and to provide for an advisory referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 764, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

RESOLUTIONS

The following resolution was introduced:

By Representative Sanderford:

H.J.R. 235. COMMENDING DANIEL S. GOLDIN FOR OUTSTANDING SERVICE AND ACCOMPLISHMENTS.

The resolution, H.J.R. 235, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Flowers:

H.R. 236. HONORING JAMES AND LUCILLE RUTLAND ON THE OCCASION OF THEIR 55TH WEDDING ANNIVERSARY.

Also:

By Representative Sanderford:

H.R. 237. COMMENDING DANIEL S. GOLDIN FOR OUTSTANDING SERVICE AND ACCOMPLISHMENTS.

Also:

The following resolution was introduced:

By Rules Committee:

H.R. 238. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 15th legislative day, Thursday, June 8, 1995, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 634 - By Black (M)	81

Curators, abolished, existing curators continue for cert. period then convert to a conservator, Secs. 26-7A-1 to 26-7A-17, inclusive, repealed

REGULAR SESSION
15th Day

1229

H. 45 - By Gaines 26

Employers, liability re information on job performance of employee, exemptions

S. 77 - By Bedford 59

Juries, capital cases, not req. to be sequestered, Sec. 12-16-9 am'd.

H. 43 - By Fuller (As Substituted) 57

Driving Under Influence, testing under supervision of Forensic Sciences Dept., Alabama Chemical Testing Trust Fund Advisory Bd., estab., imposition of court costs, use of funds, approp.

H. 377 - By Millican (As Amended) 82

Criminal Justice Information Center, fees for inspection of criminal offender's records, Sec. 41-9-644 am'd.

H. 188 - By Thomas (D) (As Amended) 20

Dogs, impoundment and destruction after infliction of serious physical injury under cert. circumstances, notice to owner, hearing in dist. ct.

H. 616 - By Hill 70

Alabama Residential Energy Code Bd., created to advise Science, Technology, and Energy Division of ADECA on Model Energy Code

H. 306 - By Jorgensen (As Amended) 58

Sales tax, not levied on goods withdrawn from inventory and not for permanent use, Sec. 40-23-1 am'd.

H. 228 - By Kennedy (As Amended) 48

Polygraph testing of st. employees prohib., penalties provided

H. 10 - By Willis 85

Farley L. Berman Foundation, Inc., state and local ad valorem tax exempt

H. 442 - By McDaniel	77
Municipal cts., ct. costs, based on dist. ct. of co., Act 94-694, 1994 Reg. Sess. am'd., Sec. 11-47-7.1 am'd.	
H. 604 - By Reed	98
Horse and greyhound racetracks, televised simulcast of racing events auth., participation in pari-mutuel pools, hours of operation for racetracks incr., Sec. 11-65-32 repealed	
H. 137 - By Johnson (R)	3
Motor vehicles, issuance of distinc. license plates for civilian prisoners of war, Sec. 32-6-250 am'd.	
H. 624 - By Johnson (E)	65
Disruptive students, local bds. of ed req. to define disruptive behavior, penalties include in-school suspension, parents attend class, disciplinary school, boot camp estab. by local bd.	
H. 503 - By Vance	49
Funeral Service Bd., regulations, fines for violations, alt., Sec. 34-13-56 am'd.	
H. 556 - By Hamilton	61
Acts and Journals, publication and distrib. by Sec. of State, alt., Sec. 41-4-150 am'd.	
H. 8 - By White (As Amended)	85
Teachers' Retirement System, purchase of prior service credit in a circuit clerk's office; Sec. 16-25-11.4 am'd.	
H. 168 - By Guin	5
Divorce, waiting period, temporary orders	

The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

**REGULAR SESSION
15th Day**

1231

Inst Id	Page
H. 597 - By Fuller (As Amended)	79

Public school and college authority, may issue bonds for public education capital improvements, distrib. of proceeds, taxes pledged

H. 586 - By Allen	90
-------------------	----

Alabama Incentives Financing Authority, estab., bonds auth.

H. 539 - By Burke (As Amended)	87
--------------------------------	----

Foreign corporations, franchise tax, alt., Secs. 40-14-41, 40-14-47 am'd.

H. 439 - By Knight (A)	34
------------------------	----

Compliance audits, violations disclosed, privileged communications

H. 130 - By Hooper	63
--------------------	----

Judges, soliciting campaign contribs., prohib.

On motion of Representative Carter, the resolution, H.R. 238, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, H. 634, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A),

Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Penry, Perdue, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Turner, Turnham, Vance, Venable and Warren.

-66

And the bill:

H. 634. Relating to curators, repealing Chapter 7A of Title 26, comprised of Sections 26-7A-1 to 26-7A-17, inclusive, of the Code of Alabama 1975; preserving the existing powers and duties of certain curators for a specified time; and specifying that at a certain time these curators would become conservators with all the powers and duties of a conservator, except when the powers of a curator have been limited by a court.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Turner, Turnham, Venable and Willis.

-72

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, H. 45, was adopted.

Yeas 76; Nays 3.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hamilton, Hammett, Haney, Hawk,

Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Letson, Lindsey, Maul, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-76

Nay:

Representatives Drake, Hayden and Perdue.

- 3

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Kennedy, Buskey, Mitchell and Clark (W):

H.R. 239. MOURNING THE DEATH OF REVEREND ROBERT L. HOPE OF PLATEAU, ALABAMA.

H. 45 TAKEN UP

And the bill:

H. 45. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; and to provide for a rebuttable presumption of good faith.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 7.

Yea:

Representatives Allen, Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morton,

Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

-67

Nay:

Representatives Bandy, Hayden, Kennedy, Mitchell, Newton (D), Perdue and Rogers (J).

- 7

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Ford and White intended to vote "Yea" and Representative Drake intended to vote "Nay" on passage of the bill, H. 45.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, S. 77, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-86

And the bill:

S. 77. To amend Section 12-16-9 of the Code of Alabama 1975, relating to sequestering of a jury in capital and non-capital felony cases; to allow the court to permit the jury to separate in capital cases.

was read a third time at length and passed.

Yeas 84; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McKee, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Venable, Warren, White, Willis and Wren.

-84

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 43, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Vance, Venable, Warren, White, Willis and Wren.

-86

And the bill:

H. 43. (With Substitute): Relating to the imposition of additional fines for persons convicted of driving under the influence of a controlled substance or alcohol; providing for the distribution of the funds collected; providing for the creation of the Alabama Chemical Testing Trust Fund Advisory Board and the Alabama Chemical Testing Trust Fund; providing for the composition and duties of the board; and appropriating \$900,000 for the 1996 fiscal year.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the offenses of driving a vehicle or operating a vessel or marine device while under the influence of alcohol or a controlled substance; to amend Section 32-5A-191 and Section 32-5A-191.3, Code of Alabama 1975 so as to increase the fines for such offenses; providing for the distribution of the additional fines; providing for the creation of the Alabama Chemical Testing Training and Equipment Trust Fund Advisory Board and the Alabama Chemical Testing Training and Equipment Trust Fund; providing for the composition and duties of the board; and appropriating \$900,000 from the Alabama Chemical Testing Training and Equipment Trust Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds, determines, and declares the following:

(1) Driving a vehicle or operating a vessel or marine device while under the influence of alcohol or a controlled substance continues to be a major problem on the highways and waterways of our state and causes the death or injury of thousands of our citizens each year.

(2) The Legislature should use whatever authority is available to it to discourage driving a vehicle or operating a vessel or marine device while under the influence of alcohol or a controlled substance, including the levying of fines therefor at a level which will discourage such activity.

(3) Administering and implementing a quality chemical testing program for alcohol and controlled substances is costly for the taxpayers and thus the convicted offender should bear a greater portion of the financial burden of the chemical testing program at the state and local level.

(4) The chemical breath testing program conducted by this state has reduced the number of deaths and injuries, and the program continues to be the most effective and the most efficient scientific method to accurately determine if a driver has too much alcohol or a controlled substance in his or her system which would affect his or her ability to safely operate a motor vehicle.

(5) The accuracy and reliability of the chemical testing procedures must be beyond reasonable doubt since a defendant may be convicted if the prosecuting attorney introduces a chemical test showing blood alcohol content of 0.10 percent or more.

(6) The Alabama Department of Forensic Sciences has properly upgraded the rules and regulations for breath testing to further insure that all tests meet scientific standards for accuracy and reliability as defined by the Supreme Court of Alabama in the case of Mayo v. City of Madison, SC #1921892 (1994).

(7) The Alabama Department of Forensic Sciences and the Alabama Department of Public Safety, without designated funding, have managed, supervised, and conducted all necessary training and in further partnership with city and county law enforcement officers, successfully implemented the breath testing program as required by legislative mandate and in accordance with all court rulings.

(8) The needs of the breath testing program are and should be intimately affected with the public interests.

(9) This act should be liberally construed to accomplish its purposes and to promote the policies contained therein which are declared to be the public policy of this state.

Section 2. Section 32-5A-191 of the Code of Alabama 1975 is hereby amended to read as follows:

"§32-5A-191.

(a) A person shall not drive or be in actual physical control of any vehicle while:

(1) There is 0.10 percent or more by weight of alcohol in his or her blood;

(2) Under the influence of alcohol;

(3) Under the influence of a controlled substance to a degree which renders him or her incapable of safely driving;

(4) Under the combined influence of alcohol and a controlled substance to a degree which renders him or her incapable of safely driving; or

(5) Under the influence of any substance which impairs the mental or physical faculties of such person to a degree which renders him or her incapable of safely driving.

(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than ~~two hundred fifty dollars (\$250)~~ five hundred dollars (\$500) nor

more than ~~one thousand dollars (\$1,000)~~ two thousand dollars (\$2,000), or by both such fine and imprisonment. In addition, on a first conviction, the Director of Public Safety shall suspend the driving privilege or driver's license of the person so convicted for a period of 90 days.

(d) On a second conviction within a five-year period, a person convicted of violating this section shall be punished by a fine of not less than ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000) nor more than ~~two thousand five hundred dollars (\$2,500)~~ five thousand dollars (\$5,000) and by imprisonment, which may include hard labor in the county or municipal jail for not more than one year. The sentence shall include a mandatory sentence, which is not subject to suspension or probation, of imprisonment in the county or municipal jail for not less than 48 consecutive hours or community service for not less than 20 days. In addition the Director of Public Safety shall revoke the driving privileges or driver's license of the person so convicted for a period of one year.

(e) On a third conviction within a five-year period, a person convicted of violating this section shall be punished by a fine of not less than ~~one thousand dollars (\$1,000)~~ two thousand dollars (\$2,000) nor more than ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) and by imprisonment, which may include hard labor, in the county or municipal jail for not less than 60 days nor more than one year, to include a minimum of 60 days which shall be served in the county or municipal jail and cannot be probated or suspended. In addition, the Director of Public Safety shall revoke the driving privilege or driver's license of the person so convicted for a period of three years.

(f) On a fourth or subsequent conviction within a five-year period, a person convicted of violating this section shall be guilty of a Class C felony and punished by a fine of not less than ~~two thousand dollars (\$2,000)~~ four thousand dollars (\$4,000) nor more than ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) and by imprisonment of not less than one year and one day nor more than 10 years. Any term of imprisonment may include hard labor for the county or state, and where imprisonment does not exceed three years confinement may be in the county jail. Where imprisonment does not exceed one year and one day, confinement shall be in the county jail. The minimum sentence shall include a term of imprisonment for at least one year and one day which may be suspended or probated, but only if the defendant enrolls and successfully completes a state certified chemical dependency program recommended by the court referral officer and approved by the sentencing court. Where probation is granted, the sentencing court may, in its discretion, and where monitoring equipment is available, place the defendant on house arrest under electronic surveillance during the probationary term. In addition to the other penalties authorized, the Director of Public Safety shall revoke the driving privilege or driver's license of the person so convicted for a period of five years.

Any law to the contrary notwithstanding, the Alabama habitual felony offender law shall not apply to a conviction of a felony pursuant to this subsection, and a conviction of a felony pursuant to this subsection shall not be a felony conviction for purposes of the enhancement of punishment pursuant to Alabama's habitual felony offender law.

(g) In addition to the penalties provided herein, any person convicted of violating this section shall be referred to the court referral officer for evaluation and referral to appropriate community resources. The defendant shall, at a minimum, be required to complete a DUI or substance abuse court referral program approved by the Administrative Office of Courts and operated in accordance with provisions of the Mandatory Treatment Act of 1990, Sections 12-23-1 to 12-23-19, inclusive. The Department of Public Safety shall not reissue a driver's license to a person convicted under this section without receiving proof that the defendant has successfully completed the required program.

(h) Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving under the influence of alcohol or of a controlled substance.

(i) Fines collected for violations of this section shall be paid to the State General Fund except fines collected for violations of this section charged pursuant to a municipal ordinance which shall be distributed to the general fund of the municipality. However, beginning October 1, 1995, the first one hundred dollars (\$100) collected from any fine imposed upon conviction in any court for violations of this section, including violations of this section charged pursuant to a municipal ordinance, shall be deposited to the Alabama Chemical Testing Training and Equipment Trust Fund after three percent of the one hundred dollars (\$100) is deducted for administrative costs.

(j) A person who has been arrested for violating this section shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his or her blood as specified in subsection (a) (1) hereof.

(k) Upon verification that a defendant arrested pursuant to this section is currently on probation from another court of this state as a result of a conviction for any criminal offense, the prosecutor shall provide written or oral notification of the defendant's subsequent arrest and pending prosecution to the court in which the prior conviction occurred."

Section 3. Section 32-5A-191.3 of the Code of Alabama 1975 is hereby amended to read as follows:

"§32-5A-191.3.

(a) A person shall not drive or be in actual physical control of any vessel, or manipulate any water skis, aquaplane, or any other marine transportation device on the waters of this state, as the waters are defined in Section 33-5-3, while:

(1) There is 0.10 percent or more by weight of alcohol in the blood;

(2) Under the influence of alcohol;

(3) Under the influence of a controlled substance to a degree which renders the person incapable of safely driving;

(4) Under the combined influence of alcohol and a controlled substance to a degree which renders the person incapable of safely driving; or

(5) Under the influence of any substance which impairs the mental or physical faculties of the person to a degree which renders the person incapable of safely driving.

(b) In the case of a vessel or other marine device described in subsection (a), only where the law enforcement officer of the Department of Conservation and Natural Resources has prior to stopping a vessel probable cause to believe that the operator of the vessel is driving under the influence of alcohol or under the influence of a controlled substance in violation of this section, the law enforcement officer is authorized to administer and may test the operator, at the scene, by using a field breathalyzer or other approved device, as a screening device, to determine if the operator may be operating a vessel or device in violation of subsection (a). Refusal to submit to a field breathalyzer test or other approved testing device shall result in the same punishment as provided in subsection (c) of Section 32-5-192 for operators of motor vehicles on the state highways. No field breathalyzer test shall be administered where the operator is stopped for violations other than under this section.

(c) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

(d) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than ~~two hundred fifty dollars (\$250)~~ five hundred dollars (\$500) nor more than ~~one thousand dollars (\$1,000)~~ two thousand dollars (\$2,000), or by both fine and imprisonment. In addition, on a first conviction, the Commissioner of Conservation and Natural Resources shall suspend the vessel operating privilege or boater safety certification of the person so convicted for a period of 90 days. First time offenders convicted of driving or operating a vessel while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the State Administrative Office of Courts. Neither reckless or careless operation of a vessel, nor any other boating or water safety infraction is a lesser included offense under a charge of operating a vessel while under the influence of alcohol or controlled substances.

(e) On a second conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000) nor more than ~~two thousand five hundred dollars (\$2,500)~~ five thousand dollars (\$5,000) and by imprisonment, which may include hard labor in the county or municipal jail for not more than one year. The sentence shall include a mandatory sentence which is not subject to

suspension or probation of imprisonment in the county or municipal jail for not less than 48 consecutive hours or community service for not less than 20 days. In addition, the Commissioner of Conservation and Natural Resources shall revoke the vessel operating privileges or boater safety certification of the person so convicted for a period of one year.

(f) On a third or subsequent conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than ~~one thousand dollars (\$1,000)~~ two thousand dollars (\$2,000) nor more than ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) and by imprisonment, which may include hard labor, in the county or municipal jail for not less than 60 days nor more than one year, to include a minimum of 60 days which shall be served in the county or municipal jail and which cannot be probated or suspended. In addition, the Commissioner of Conservation and Natural Resources shall revoke the vessel operating privilege or boater safety certification of the person so convicted for a period of three years.

(g) All fines collected for violation of this section as to vessels or other marine devices on the waters of this state shall be paid into the State Water Safety Fund- , except that, beginning October 1, 1995, the first one hundred dollars (\$100) collected from any fine imposed upon conviction of violation of this section shall be deposited to the Alabama Chemical Testing Training and Equipment Trust Fund after three percent of the one hundred dollars (\$100) is deducted for administrative costs.

(h) A person who has been arrested for violating this section shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in the person's blood as specified in subdivision (1) of subsection (a).

(i) "Vessel," for the purposes of this section, shall mean any vessel as defined in Section 33-5-3, operated on the waters of this state, as defined in Section 33-5-3.

(j) No provision of this section shall be construed to assess points for DUI convictions under motor vehicle convictions for driving under the influence."

Section 4. (a) There is hereby established a special fund in the State Treasury, to be known as the Alabama Chemical Testing Training and Equipment Trust Fund.

(b) The State Treasurer shall invest money in the fund as is provided by law but all earnings from the fund shall be credited to the fund. Money in the fund at the end of the fiscal year shall remain in the fund, and shall not revert to the General Fund. However, no funds shall be withdrawn or expended except as budgeted and allotted according to law and only in the amounts authorized by the Legislature in the general appropriation bill or other appropriation bills.

Section 5. (a) There is created the Alabama Chemical Testing Training and Equipment Trust Fund Advisory Board to be appointed as follows:

(1) The President of the Alabama Sheriffs' Association shall appoint one sheriff.

(2) The Alabama Association of Chiefs of Police shall appoint one police chief from a city of less than 25,000 population and one police chief from a city of greater than 25,000 population according to the last federal census.

(3) The Alabama Attorney General shall appoint one prosecutor.

(4) The Chief Justice of the Alabama Supreme Court shall appoint one district or municipal judge and one circuit judge.

(5) The Governor shall appoint one citizen at large.

(6) The Lieutenant Governor shall appoint one member of the Alabama Senate.

(7) The Speaker of the House of Representatives shall appoint one member of the House of Representatives.

(8) The Technical Director, Implied Consent Program, Department of Forensic Sciences, and the Commander, Implied Consent Unit, Department of Public Safety, shall serve on the advisory board by virtue of their departmental assignments.

(b) The first appointees shall be appointed within 60 days of this act becoming law and shall serve until their successors are appointed on the fifth day of the 1999 Regular Session of the Legislature. In the event of the death or resignation of any member of the advisory board, a successor shall be appointed by the person or entity that made the original appointment and the successor appointed to the vacancy shall serve for the remainder of the unexpired term. Subsequent appointments to the board shall be for four-year terms. The board shall elect from its membership a chair and vice chair at an organizational meeting held no later than 30 days after appointments to the board are finalized. Thereafter, the board shall meet at the call of the chair, vice chair, or upon the request of five or more members, with notice and procedure as prescribed by the rules of the board. The body may adopt administrative rules for transacting business that are consistent with this act.

(c) A majority of the members of the board shall constitute a quorum for transacting business or performing any duties.

Section 6. The Alabama Chemical Testing Training and Equipment Advisory Board shall develop, and if appropriate, periodically revise, a recommended list of priorities and criteria for disbursement of monies in the

Alabama Chemical Testing Training and Equipment Trust Fund. The advisory board shall provide its recommendations for disbursement, on an annual basis, to the Governor, Lieutenant Governor, Attorney General, Speaker of the House, Director of the Department of Forensic Sciences, Director of the Department of Public Safety, the Executive Director of the Alabama Chiefs of Police Association, the Executive Director of the Alabama Sheriffs' Association, the Executive Director of the Office of Prosecution Services, the Chief Justice of the Alabama Supreme Court and to the Executive Secretary of the Peace Officers' Standards and Training Commission. Money in the fund shall be used only to administer the fund, to purchase and maintain chemical testing equipment for city, county, or state law enforcement agencies in this state, to provide training to law enforcement personnel of this state in the use of that chemical testing equipment, to pay the costs of the Implied Consent Unit in the Department of Public Safety, to pay the costs of the Implied Consent Program in the Department of Forensic Sciences, and to support the activities of the board.

Section 7. The Director of the Department of Forensic Sciences shall administer the Alabama Chemical Testing Training and Equipment Trust Fund in accordance with the recommended list of priorities and criteria for disbursement as published by the Alabama Chemical Testing Training and Equipment Advisory Board.

Section 8. There is hereby appropriated the sum of nine hundred thousand dollars (\$900,000) from the Alabama Chemical Testing Training and Equipment Trust Fund to the Alabama Department of Forensic Sciences for the fiscal year ending September 30, 1996.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall be broadly construed and, if necessary, reconstrued to make its provisions constitutional.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-90

AMENDMENT OFFERED

Representative Fuller offered the following amendment to the bill, H. 43, as amended:

Amend House Bill 43 as substituted on page 2, line 13 after the word "offense" by inserting the following: "and provides that one-half of fines for driving a motor vehicle while under the influence of alcohol or a controlled substance collected for violations charged pursuant to a municipal ordinance shall be deposited to the State General Fund and one-half shall be deposited to the general fund of the municipality"

Further amend the bill on page 9, line 20 after the word "distributed" by adding the following: "one-half to the State General Fund and one-half".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree,

Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-88

And the bill:

H. 43. Relating to the offenses of driving a vehicle or operating a vessel or marine device while under the influence of alcohol or a controlled substance; to amend Section 32-5A-191 and Section 32-5A-191.3, Code of Alabama 1975 so as to increase the fines for such offenses; providing for the distribution of the additional fines; providing for the creation of the Alabama Chemical Testing Training and Equipment Trust Fund Advisory Board and the Alabama Chemical Testing Training and Equipment Trust Fund; providing for the composition and duties of the board; and appropriating \$900,000 from the Alabama Chemical Testing Training and Equipment Trust Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1996.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 2.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

-86

Nay:

Representatives Dolbare and Drake.

- 2

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Reed and Turnham intended to vote "Yea" on passage of the bill, H. 43, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 377, was adopted.

Yeas 80; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Warren and Willis.

-80

Nay:

Representatives Dolbare, Hall (A) and McKee.

- 3

And the bill:

H. 377. (With Amendment): To amend Section 41-9-644, Code of Alabama 1975, relating to the inspection of a criminal offender's records in the possession of the Alabama Criminal Justice Information Center, to increase the fee for the inspection.

was taken up.

SUBSTITUTE OFFERED

Representative Millican offered the following substitute to the bill, H. 377, and to the amendment reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 41-9-644, Code of Alabama 1975, relating to the inspection of a criminal offender's records in the possession of the Alabama Criminal Justice Information Center, to increase the fee for the inspection.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-9-644, Code of Alabama 1975, is amended to read as follows:

"§41-9-644.

"Agencies, including ACJIC, at which criminal offender records are sought to be inspected may prescribe reasonable hours and places of inspection and may impose ~~such~~ additional procedures, fees, ~~(not to exceed \$5.00~~ twenty-five dollars (\$25), or restrictions, including fingerprinting, as are reasonably necessary to assure the records' security, to verify the identities of those who seek to inspect them, and to maintain an orderly and efficient mechanism for ~~such~~ these accesses.

"All fees collected ~~are to~~ shall be forwarded to the state general fund ~~for disposition.~~"

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 84; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-84

Nay:

Representative Laird.

And the bill:

H. 377. To amend Section 41-9-644, Code of Alabama 1975, relating to the inspection of a criminal offender's records in the possession of the Alabama Criminal Justice Information Center, to increase the fee for the inspection.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren and Willis.

-76

Nay:

Representatives Black (M), Dolbare, Hall (A), Laird, McKee, Morrow, Page, Payne and Robinson.

- 9

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (D), the Budget Isolation Resolution relating to the bill, H. 188, was adopted.

Yeas 68; Nays 2.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Dean, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Minnifield, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-68

Nay:

Representatives Dolbare and Hall (A).

- 2

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hawkins intended to vote "Yea" on passage of the bill, H. 43, as amended.

H. 188 TAKEN UP

And the bill:

H. 188. (With Amendment): To provide for the destruction of a dog that causes severe injury to a person; to provide notice to the owner of the dog; and to provide certain exceptions.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. 188 on Page 3, Section 1, Line 1, after the word "in" insert the following language: impounding and

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Buskey, Carter, Clouse, Collins, Crigler, Dean, Dukes, Ford, Gaines, Gaston, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McKee, McMillan, Minnifield, Morrow, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Willis.

AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, H. 188, as amended:

To amend H. 188 on page 3, line 20 by adding a new Section 2 as follows and renumbering accordingly:

"Section 2. The owner may destroy the dog on his own and avoid the provisions of Section 1."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-76

And the bill:

H. 188. To provide for the destruction of a dog that causes severe injury to a person; to provide notice to the owner of the dog; and to provide certain exceptions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carter, Clouse, Collins, Crigler, Dean, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Kennedy, Knight (A), Laird, Layson,

Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-74

Nay:

Representative Dolbare.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 616, was adopted.

Yeas 72; Nays 3.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-72

Nay:

Representatives Dolbare, Hall (A) and Robinson.

- 3

And the bill:

H. 616. To establish the Alabama Residential Energy Code Board for the purpose of promoting and overseeing the implementation of the Model Energy Code and advising the Science, Technology, and Energy Division of the Alabama Department of Economic and Community Affairs on matters relating to the Model Energy Code; to provide for the method of appointment of members to the board and their purposes, functions, duties, and activities; and to provide for the

mandatory implementation of and adherence to the Model Energy Code if a unit of local government so chooses to adopt it in whole or in part.

was taken up.

AMENDMENT OFFERED

Representative Hill offered the following amendment to the bill, H. 616:

H. 616, Page 7 - Section 5 - Lines 1-4, Delete lines 1-4 Replace with: The members of the board shall receive no salary or compensation for serving on the board but shall be reimbursed for travel expenses in accordance with State of Alabama law, incurred in the performance of their duties.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-81

And the bill:

H. 616. To establish the Alabama Residential Energy Code Board for the purpose of promoting and overseeing the implementation of the Model Energy Code and advising the Science, Technology, and Energy Division of the Alabama Department of Economic and Community Affairs on matters relating to the Model Energy Code; to provide for the method of appointment of members to the board and their purposes, functions, duties, and activities; and to provide for the mandatory implementation of and adherence to the Model Energy Code if a unit of local government so chooses to adopt it in whole or in part.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-86

Nay:

Representatives Dolbare, Hinshaw, Payne and Robinson.

- 4

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hall (A) intended to vote "Nay" on passage of the bill, H. 616, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Jorgensen, the Budget Isolation Resolution relating to the bill, H. 306, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-83

And the bill:

H. 306. (With Amendment): To amend Section 40-23-1, Code of Alabama 1975, to clarify that the state sales tax would not apply to the use or consumption of a manufactured product by the manufacturer thereof if used in quality control testing or if given to certain charitable entities.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 306 in line 10, on page 12 following the words "quality control testing" insert the following language: "performed by employees or independent contractors of the taxpayer".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren, Willis and Wren.

-87

And the bill:

H. 306. To amend Section 40-23-1, Code of Alabama 1975, to clarify that the state sales tax would not apply to the use or consumption of a manufactured product by the manufacturer thereof if used in quality control testing or if given to certain charitable entities.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-89

Nay:

Representative Pringle.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Pringle inadvertently voted "Nay" and intended to vote "Yea" on passage of the bill, H. 306, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 228, was adopted.

Yeas 98; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci,

Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-98

Nay:

Representative Laird.

- 1

And the bill:

H. 228. (With Amendments): Relating to state employees; to prohibit the use of polygraph testing of state employees or prospective state employees; and to provide for penalties.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 228 on page 1, line 12 by striking the following: ~~or prospective state employees~~

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 100; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-100

Nay:

Representative Laird.

- 1

The question was then on the adoption of the amendment #2 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 228 on page 1, Section 1, line 24 by striking the words ~~prospective and employment or~~

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 95; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, Maul, McAdory, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

Nay:

Representative Laird.

- 1

AMENDMENT OFFERED

Representative Kennedy offered the following amendment to the bill, H. 228, as amended:

On page 1, lines 20 and 21, after the word "employees" on line 20, delete the words "or prospective state employees"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 98; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-98

Nay:

Representative Laird.

- 1

And the bill:

H. 228. Relating to state employees; to prohibit the use of polygraph testing of state employees; and to provide for penalties.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 101; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson,

Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-101

Nay:

Representative Laird.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 242. Amending Sections 32-6-3 and 32-6-21 of the Code of Alabama 1975, relating to driver's license examinations and the payment of the accompanying fee; to provide that the examination shall be conducted by the officer, state trooper, or agent designated by the Director of Public Safety and the fee shall be paid to the designated person.

Also:

S. 317. To amend Section 22-50-90, Code of Alabama 1975; to provide further for criminal history background information on certain persons the Department of Mental Health and Mental Retardation employs or contracts with, or both, to be direct care providers.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED**MOTION TO RECONSIDER ADOPTED**

Having voted on the prevailing side, Representative Morrow offered the motion to reconsider the vote by which the bill, H. 616, as amended, was passed, and the motion to reconsider was adopted.

And the bill, H. 616, as amended, was again read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Penry, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

Nay:

Representatives Dolbare, Hall (A), Hinshaw, Parker (P), Payne, Petelos, Robinson and Sanderson.

- 8

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, H. 10, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney,

Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

And the bill:

H. 10. To exempt all property owned and used by the Farley L. Berman Foundation, Inc., from any state, county, and local ad valorem taxes, and to provide for a retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 1.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

-89

Nay:

Representative Parker (P).

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 442, was adopted.

Yeas 62; Nays 6.

Yea:

Mr. Speaker, Black (L), Black (M), Burke, Carns, Clouse, Collins, Crigler, Dean, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, Willis and Wren.

-62

Nay:

Representatives Dolbare, Hall (A), Hayden, McKee, Morrow and Newton (D).

- 6

And the bill:

H. 442. To amend Section 1 of Act No. 94-694 of the 1994 Regular Session, now appearing as Section 11-47-7.1 of the Code of Alabama 1975, authorizing the municipal governing bodies individually or jointly to levy additional court costs and fees in municipal cases and providing for the distribution of the funds for jail purposes and other related purposes, to specify that the court costs and fees would be based on the court costs and fees in the district court of the county; and to provide retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 13.

Yea:

Mr. Speaker, Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, McDaniel, McMillan, Melton, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, Willis and Wren.

-63

Nay:

Representatives Dolbare, Hall (A), Hilliard, McKee, Millican, Minnifield, Morrow, Newton (D), Page, Parker (P), Robinson, Spratt and White.

-13

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Reed to adopt the Budget Isolation Resolution relating to the bill, H. 604, was lost.

Yeas 26; Nays 37.

Yea:

Representatives Baker, Black (L), Black (M), Boyd, Buskey, Carter, Clark (W), Gaston, Hall (L), Hayden, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Letson, Maull, McAdory, McClammy, Melton, Minnifield, Perdue, Rogers (J), Spratt and Turner.

-26

Nay:

Representatives Carns, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Gaines, Gipson, Guin, Haney, Hawkins, Hill, Hilliard, Hogan, Knight (A), Laird, Layson, McDaniel, Millican, Moore, Morrison, Morton, Murphree, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Smith, Starkey, Thomas (D), Townsend and Wren.

-37

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 137, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson,

Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-83

And the bill:

H. 137. To amend Section 32-6-250, Code of Alabama 1975, relating to distinctive license plates, by authorizing the issuance of distinctive license plates to residents of this state who as a United States civilian during any armed conflict was held as a prisoner of war by forces hostile to the United States during any armed conflict.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-84

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (E), the Budget Isolation Resolution relating to the bill, H. 624, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes,

Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-85

And the bill:

H. 624. To require each local board of education to establish disciplinary policies regarding disruptive students; to require in-school suspension for the first offense and to require parents or guardians to observe disruptive students in class; to provide for assignment to alternative disciplinary schools for the second offense; and to provide for assignment to a boot camp established and maintained by the local board of education for the third or subsequent offense.

was taken up.

SUBSTITUTE OFFERED

Representative Johnson (E) offered the following substitute to the bill, H. 624:

A BILL TO BE ENTITLED AN ACT

To require each local board of education to establish disciplinary policies regarding disruptive students; upon availability of funding, to require in-school suspension for the first offense and to require parents or guardians to observe disruptive students in class; upon availability of funding, to provide for assignment to alternative disciplinary schools for the second offense; and upon availability of funding, to provide for assignment to a boot camp established and maintained by the local board of education for the third or subsequent offense.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Each local board of education shall establish a disciplinary policy defining disruptive school behavior and what constitutes a disruptive student for purposes of Section 2.

(b) Subject to the provisions of subsection (d) of this section, each local board of education shall establish guidelines for the development, implementation, and maintenance of the programs prescribed in Section 2.

(c) Subject to the provisions of subsection (d) of this section, each local board of education shall establish a legal process providing for notice and due process hearings prior to placement in a local alternative disciplinary school program or a boot camp as provided in subdivisions (2) and (3) of Section 2.

(d) The programs in Section 2 of this act for disciplining students who exhibit disruptive school behavior may be established by the local boards of education when funding for these programs becomes available.

Section 2. Subject to the provisions of Section 1 (d) of this act, any student who exhibits disruptive school behavior during a school year as defined by the local board of education shall, upon being found to be in violation of the policy, be subject to discipline in the following manner:

(1) First offense. Unless otherwise provided by law, the disruptive student shall not be suspended or expelled from school. Upon commission of a first disruptive school behavior offense during a school year, a disruptive student shall attend an in-school suspension program during the scheduled time periods for any classes in which he or she has been determined to be disruptive. The student shall remain in the in-school suspension program for the time period specified by the principal of the school. The parents, guardians, custodians, or any other person, excluding a foster parent, who is responsible for the care or control of the disruptive student shall be notified by an appropriate school official to attend and observe the disruptive student in a classroom situation for a period of two hours.

(2) Second offense. Upon the commission of a second disruptive school behavior offense during a school year, a disruptive student shall be assigned to a local alternative disciplinary school program as provided in Section 16-1-15.1 of the Code of Alabama 1975, or as otherwise provided by the local board of education. The student shall remain in the disciplinary school program until the local superintendent of education, upon the recommendation of the principal of the disciplinary school program, determines the student will no longer interfere with the learning environment of the students. Upon this determination, the student shall return to the regular classroom.

(3) Third offense and subsequent offenses. Upon the commission of a third or subsequent disruptive school behavior offense during a school year, a disruptive student shall be assigned to a local boot camp as established and maintained by the local board of education. The student shall remain in the local boot camp until the local superintendent of education, upon the recommendation of the chief officer of the boot camp, determines the student will no longer interfere with the learning environment of other students. Upon this determination, the student shall return to the regular classroom.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 84; Nays 1.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

-84

Nay:

Representative Parker (P).

- 1

And the bill:

H. 624. To require each local board of education to establish disciplinary policies regarding disruptive students; upon availability of funding, to require in-school suspension for the first offense and to require parents or guardians to observe disruptive students in class; upon availability of funding, to provide for assignment to alternative disciplinary schools for the second offense; and upon availability of funding, to provide for assignment to a boot camp established and maintained by the local board of education for the third or subsequent offense.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory,

McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, White and Willis.

-86

Nay:

Representative Parker (P).

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Boyd intended to vote "Yea" on passage of the bill, H. 624, as amended.

H. 503 TAKEN UP

And the bill:

H. 503. To amend Section 34-13-56, Code of Alabama 1975, relating to funeral services; and to authorize the Alabama Board of Funeral Service to assess administrative fines for violations of the law or rules or regulations promulgated by the board.

and the pending substitute offered by Representative Vance on the thirteenth legislative day was taken up.

The question was then on the adoption of the substitute offered by Representative Vance to the bill, H. 503, said substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 34-13-23 and Section 34-13-56, Code of Alabama 1975, relating to funeral services; to authorize the Alabama Board of Funeral Service to assess administrative fines for violations of the law or rules or regulations promulgated by the board; and to provide that fines received pursuant to this act be deposited into the Alabama State Funeral Directors and Embalmers Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-13-23, Code of Alabama 1975, is amended to read as follows:

"§34-13-23.

"(a) The board appointed under the provisions of this chapter and each successor thereto is authorized to select from its own membership a chairman and to adopt and promulgate such rules and regulations for the transaction of its business and for the betterment and promotion of the standards of service and practice to be followed in the funeral service profession in the state of Alabama as it may deem expedient and consistent with the laws of this state and for the public good.

"The chairman of the board shall preside at all meetings of the board unless otherwise ordered, and he shall exercise and perform all duties and functions incident to the office of chairman of the board.

"The board may select also from its own membership a vice-chairman, a secretary and a treasurer. No two offices shall be held by the same person. The chairman and vice-chairman shall not be of the same race.

"(b) The treasurer shall give bond to the state of Alabama in the sum of ~~\$10,000.00~~ \$10,000, and any premium payable for ~~such~~ the bond shall be paid from the funds of the board. ~~Such~~ The bond shall be deposited with the treasurer of the state of Alabama.

"(c) Board members shall be reimbursed for their necessary traveling expenses and the necessary expenses incident to their attendance upon the business of the board, and, in addition thereto, they shall receive the sum of ~~\$50.00~~ \$50 per diem for every day not to exceed 10 days per year actually spent by ~~such~~ the member upon the business of the board. The board may employ an executive secretary and associate executive secretary who shall each receive and be paid an annual salary to be fixed by the board, but not to exceed the salary level established and paid to cabinet officers in the state government. ~~Such~~ The salary shall be paid on a monthly basis. In addition ~~thereto~~, the executive secretary and associate executive secretary shall receive his or her necessary traveling and other incidental expenses as are incurred in the performance of ~~such~~ duties, and all ~~such~~ expenses, per diem and compensation shall be paid out of the receipts of the board. At no time shall the operation of the board be an expense to the state, and at no time shall expenses of the board exceed the receipts hereof.

"(d) The executive secretary of the board shall have complete supervision and be held responsible for the direction of the office of the board and shall have supervision over field inspection and enforcement of the provisions of this chapter and shall be responsible and answerable to ~~said~~ the board. The associate executive secretary shall assist the executive secretary and perform such other duties as may be assigned to him or her by the board. The executive secretary and associate executive secretary shall not be of the same race.

"(e) The executive secretary of the board shall keep a record in which shall be registered the name and business address of every person to whom licenses

have been granted in accordance with this chapter, the number and date of ~~such~~ the license and the date of each renewal thereof. Upon request to do so, the executive secretary of ~~said~~ the board shall supply each person licensed for the practice of embalming and funeral directing with a list of all persons and establishments holding a license under this chapter, then in force, giving the names of ~~such~~ the persons, their business addresses and the numbers of their licenses.

"(f) It shall be the duty of the executive secretary of the board to prepare under the direction of ~~said~~ the board and cause to be printed all forms required by this chapter to be prescribed by the board. All notices required to be mailed by any provision of this chapter shall be directed to the last known post office address of the party to whom the notice is sent.

"(g) ~~Said~~ The executive secretary shall serve at the pleasure of the board and shall perform ~~such~~ duties as may be necessary for the proper functioning of the board as the board may determine or as may be prescribed in this chapter. During and for three years after his employment, neither the executive secretary nor any member of his family within the third degree shall be employed by any funeral establishment.

"(h) All fees and fines received under the provisions of this chapter shall be paid into a special fund in the state treasury to be known as the Alabama state funeral directors and embalmers fund, which is hereby created, for the necessary and proper expenses of the board, and for a reasonable reserve for future use by the board. All moneys in ~~said~~ the fund are hereby appropriated, as a continuing appropriation, to the Alabama board of funeral service to be used for carrying out any of the provisions of this chapter.

"(i) Each member of the board, the executive secretary, the associate executive secretary and designated employees of the board appropriately identified ~~hereby~~ are authorized on complaint or for inspection purposes to enter the office, premise, establishment or place of business of any funeral service licensee in the state of Alabama or any office, premises, establishment or place where the practice of funeral service is carried on, or where ~~such~~ the practice is advertised as being carried on, for the purpose of inspecting ~~said~~ the office, premises or establishment and for the purpose of inspecting the license and registration of any funeral service licensee and apprentice trainee operating therein.

"All members of the board or designated employees of the board are hereby authorized to serve and execute any process issued by any court under the provisions of this chapter and to serve and execute any papers or process issued by the board or any officer or member thereof under authority of this chapter.

"(j) The board may employ ~~such~~ clerical assistants and employees or other help as may be necessary to carry out the provisions of this chapter, and the terms and conditions of ~~such~~ employment shall be determined by the board. The

board may establish and equip an office from which the provisions of this chapter may be carried out."

Section 2. Section 34-13-56, Code of Alabama 1975, is amended to read as follows:

"§34-13-56.

"(a) The board ~~has the power to~~ may refuse to grant, ~~to~~ refuse to renew, ~~to~~ or suspend or revoke a license after proper hearing and notice to the licensee, upon the licensee's being found guilty of any of the following:

"(1) Conviction of a crime involving moral turpitude; ~~or~~.

"(2) Unprofessional conduct, which ~~hereby~~ is defined to include any of the following:

"a. Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;.

"b. False or misleading advertising as a funeral director or embalmer or knowingly engaging in any advertising which is misleading or inaccurate in any material particular;.

"c. Solicitation of dead human ~~dead~~ bodies by the licensee, his or her agents, assistants, or employees, whether ~~such~~ the solicitation occurs after death or while death is impending;.

"d. Employment by the licensee of a person or persons to be used for the purpose of obtaining or soliciting funeral directing or embalming business;.

"e. Employment directly or indirectly of any apprentice, agent, assistant, embalmer, employee, or other person, on part or full time or on commission, for the purpose of calling upon individuals or institutions where a death has occurred or is imminent by whose influence dead human ~~dead~~ bodies may be turned over to a particular funeral director or embalmer ~~and/or~~ or funeral establishment; or both.

"f. The buying of business by the licensee, his or her agents, assistants, or employees;.

"g. Gross immorality;.

"h. Aiding or abetting an unlicensed person to practice funeral directing or embalming;.

"i. Using profane, indecent, or obscene language in the presence of a dead human ~~dead~~ body, or within the immediate hearing of the family or relative of a deceased whose body has not yet been interred or otherwise disposed of;.

"j. Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human ~~dead~~ body to be disposed of in any mausoleum or cemetery;_

"k. ~~Violation~~ Any violation of ~~any of the provisions of~~ this chapter;_

"l. ~~Violation~~ Any violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead human ~~dead~~ bodies;_

"m. Fraud or misrepresentation in obtaining a license;_

"n. Refusing to promptly surrender the custody of a dead human ~~dead~~ body, upon the express order of the person lawfully entitled to the custody thereof;_

"o. ~~If the applicant or holder of a license performs~~ Performing services in a professional capacity as a funeral director ~~and/or~~ or embalmer, ~~or both,~~ for any unlicensed funeral establishment operating in violation of this chapter;_

"p. Being intoxicated or under the influence of illegal drugs while on duty at a funeral establishment;_

"q. Willfully retaining or willfully failing to account for any property of a decedent;_

"r. Knowingly and willfully signing a certificate as having embalmed or prepared a body for burial when, in fact, ~~someone else did it~~ the services were not performed by the licensee.

"(b) In addition to the disciplinary actions authorized in subsection (a), the board may levy and collect administrative fines for violations of this chapter or the rules or regulations of the board in an amount not to exceed one thousand five hundred dollars (\$1,500) for each violation."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers,

Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-83

AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, H. 503, as amended:

Amend H. 503 on page 9, Section 2(b), line 8 by striking after the word exceed the following: one thousand five hundred (\$1,500) and inserting in lieu thereof, the following: five hundred (\$500)

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-83

And the bill:

H. 503. To amend Section 34-13-23 and Section 34-13-56, Code of Alabama 1975, relating to funeral services; to authorize the Alabama Board of Funeral Service to assess administrative fines for violations of the law or rules or

regulations promulgated by the board; and to provide that fines received pursuant to this act be deposited into the Alabama State Funeral Directors and Embalmers Fund.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 99; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-99

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hall (L):

H.R. 240. HONORING MRS. WILLIE T. BRANDENBERG ON THE OCCASION OF HER 100TH BIRTHDAY.

H. 556 TAKEN UP

And the bill:

H. 556. To amend Section 41-4-150, Code of Alabama 1975; to provide that bound Acts and Journals are to be distributed pursuant to the discretion of the Secretary of State; and to provide a copy for members of the Legislature and to departments, officers, courts, and others.

as amended on the thirteenth legislative day was taken up.

SUBSTITUTE OFFERED

Representative Hamilton offered the following substitute to the bill, H. 556, as amended:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 41-4-150, Code of Alabama 1975; to provide that bound Acts and Journals are to be distributed pursuant to the discretion of the Secretary of State; and to provide a copy for members of the Legislature and to departments, officers, courts, and others.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-4-150, Code of Alabama 1975, is amended to read as follows:

"§41-4-150.

"(a) The printer shall, within 90 days after being furnished a copy of the last act, print, ~~as herein provided~~, package, or box in complete sets, and distribute pursuant to an address list furnished by the Secretary of State, ~~4,300~~ sufficient copies of the bound acts, which copies shall be indexed, stitched, half-bound, and lettered.

"(b) If the house and senate elect to contract with the state printer, within 150 days after receipt of the copy from the Secretary of the Senate and clerk of the house of representatives, which period shall include the 30 days mentioned in subsection (c) of Section 41-4-148, the printer shall distribute in packaged or boxed sets pursuant to an address list furnished by the Secretary of State, ~~450~~ a sufficient number of copies of the journal of each house, which copies shall be indexed, bound, and lettered. The Secretary of State shall send each member of the legislature a request form to determine if the member requests none, one, or two copies of the bound acts and/or journals. The Secretary of State shall mail the request form by March 1 of the first year of the quadrennium and the members shall return the form by September 30 of the first year of the quadrennium."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-89

And the bill:

H. 556. To amend Section 41-4-150, Code of Alabama 1975; to provide that bound Acts and Journals are to be distributed pursuant to the discretion of the Secretary of State; and to provide a copy for members of the Legislature and to departments, officers, courts, and others.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-97

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 114. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 8, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-90

And the bill:

H. 8. (With Amendment): To amend Section 16-25-11.4, Code of Alabama 1975, to provide further for purchase of certain service credit in the Teachers' Retirement System.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 8 as introduced on page 2, line 14 after the word "salary" by inserting the following: "or final average salary, whichever is greater,".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-89

And the bill:

H. 8. To amend Section 16-25-11.4, Code of Alabama 1975, to provide further for purchase of certain service credit in the Teachers' Retirement System.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison,

Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and White.

-89

BUDGET ISOLATION RESOLUTION OFFERED

Representative Guin offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 168.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 238, the time to debate the bill, H. 168, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Papucci intended to vote "Nay" on the motion offered by Representative Reed to adopt the Budget Isolation Resolution relating to the bill, H. 604.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 116. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors.

McDOWELL LEE
Secretary

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 188. To provide for the destruction of a dog that causes severe injury to a person; to provide notice to the owner of the dog; and to provide certain exceptions.

TOMMY CARTER
Chairman

And the bill, H. 188, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 43. Relating to the offenses of driving a vehicle or operating a vessel or marine device while under the influence of alcohol or a controlled substance; to amend Section 32-5A-191 and Section 32-5A-191.3, Code of Alabama 1975 so as to increase the fines for such offenses; providing for the distribution of the additional fines; providing for the creation of the Alabama Chemical Testing Training and Equipment Trust Fund Advisory Board and the Alabama Chemical Testing Training and Equipment Trust Fund; providing for the composition and duties of the board; and appropriating \$900,000 from the Alabama Chemical Testing Training and Equipment Trust Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1996.

TOMMY CARTER
Chairman

And the bill, H. 43, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 377. To amend Section 41-9-644, Code of Alabama 1975, relating to the inspection of a criminal offender's records in the possession of the Alabama Criminal Justice Information Center, to increase the fee for the inspection.

TOMMY CARTER
Chairman

And the bill, H. 377, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 306. To amend Section 40-23-1, Code of Alabama 1975, to clarify that the state sales tax would not apply to the use or consumption of a manufactured product by the manufacturer thereof if used in quality control testing or if given to certain charitable entities.

TOMMY CARTER
Chairman

And the bill, H. 306, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED
BUDGET ISOLATION RESOLUTION OFFERED**

Representative Fuller offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 597.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Papucci, Dukes, Drake and Parker (P):

H.R. 241. MOURNING THE DEATH OF WILLIAM BIBB EYSTER OF DECATUR, ALABAMA.

Also:

The following resolutions were introduced:

By Representatives Kennedy, Buskey, Clark (W) and Mitchell:

H.J.R. 242. MOURNING THE DEATH OF REVEREND ROBERT L. HOPE OF PLATEAU, ALABAMA.

The resolution, H.J.R. 242, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hooper, Carns, McKee and Hinshaw:

H.J.R. 243. PROTECTING FROM INFRINGEMENT THE RIGHT OF THE PEOPLE TO KEEP ARMS, AND THE SUBSUMED RIGHT TO OBTAIN FIREARMS FOR SECURITY, AND THE PROTECTION OF PERSON, PROPERTY, AND STATE, AND URGING THE ATTORNEY GENERAL TO INITIATE SPECIFIED LEGAL ACTION.

The resolution, H.J.R. 243, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Clark (W), Mitchell, Buskey and Kennedy:

H.J.R. 244. MOURNING THE DEATH OF MINNIE B. TURNBO OF PRICHARD, ALABAMA.

The resolution, H.J.R. 244, was read and referred to the Standing Committee on Rules.

RECESS

The hour of 12:00 o'clock Noon having arrived and pursuant to the motion heretofore adopted, the House recessed until 1:15 o'clock p.m.

HOUSE RECONVENED

The hour of 1:15 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 77. To amend Section 12-16-9 of the Code of Alabama 1975, relating to sequestering of a jury in capital and non-capital felony cases; to allow the court to permit the jury to separate in capital cases.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 234. RELATIVE TO MEETING DAYS.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 8. To amend Section 16-25-11.4, Code of Alabama 1975, to provide further for purchase of certain service credit in the Teachers' Retirement System.

TOMMY CARTER
Chairman

And the bill, H. 8, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 624. To require each local board of education to establish disciplinary policies regarding disruptive students; upon availability of funding, to require in-school suspension for the first offense and to require parents or guardians to observe disruptive students in class; upon availability of funding, to provide for assignment to alternative disciplinary schools for the second offense; and upon availability of funding, to provide for assignment to a boot camp established and maintained by the local board of education for the third or subsequent offense.

TOMMY CARTER
Chairman

And the bill, H. 624, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 503. To amend Section 34-13-23 and Section 34-13-56, Code of Alabama 1975, relating to funeral services; to authorize the Alabama Board of Funeral Service to assess administrative fines for violations of the law or rules or regulations promulgated by the board; and to provide that fines received pursuant to this act be deposited into the Alabama State Funeral Directors and Embalmers Fund.

TOMMY CARTER
Chairman

And the bill, H. 503, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 616. To establish the Alabama Residential Energy Code Board for the purpose of promoting and overseeing the implementation of the Model Energy Code and advising the Science, Technology, and Energy Division of the Alabama Department of Economic and Community Affairs on matters relating to the Model Energy Code; to provide for the method of appointment of members to the board and their purposes, functions, duties, and activities; and to provide for the mandatory implementation of and adherence to the Model Energy Code if a unit of local government so chooses to adopt it in whole or in part.

TOMMY CARTER
Chairman

And the bill, H. 616, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 228. Relating to state employees; to prohibit the use of polygraph testing of state employees; and to provide for penalties.

TOMMY CARTER
Chairman

And the bill, H. 228, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 556. To amend Section 41-4-150, Code of Alabama 1975; to provide that bound Acts and Journals are to be distributed pursuant to the discretion of the Secretary of State; and to provide a copy for members of the Legislature and to departments, officers, courts, and others.

TOMMY CARTER
Chairman

And the bill, H. 556, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Windom:

S. 424. To further provide for the management of Alabama's marine resources; to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further regulate the possession thereof, to provide for certain lengths thereof, to further regulate widths of certain trawls, to provide for certain confiscation and forfeiture, and to provide for certain criminal liability; to amend Section 9-12-113, Code of Alabama 1975, relating to certain fishing licenses, so as to further provide for certain fees and permits, to regulate the transfer of certain net or seine permits, to provide for certain additional requirements to be permitted, to restrict the number of permits issued and require certain decals or placards, to restrict the number of nets or seines in use at any one time, to further regulate and require the presence of the permittee in certain conditions, certain possession, and certain net or seine identification, to specify to whom certain licenses or permits may be issued and further define "nonresident," to further provide for forfeiture and alternatives thereto, to further define possession of game fish, to specify certain saltwater game fish and provide for a certain tagging system, to provide penalties for violation of certain regulations, to further provide as to certain penalties and as to certain criminal liability and to provide for a point system whereby certain licenses or permits shall be revoked under certain circumstances; to prohibit selling, buying, or trading or bartering in certain saltwater game fish and specify penalties and certain criminal liability; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to further provide for and require seafood dealer reporting; to provide for certain landing and reporting requirements for certain saltwater finfish and seafood products commercially harvested in Alabama, to provide for the establishment by regulation of certain reporting procedures, to provide for certain revocation procedures, and to specify penalties and certain criminal liability; to amend Section 9-12-125, Code of Alabama 1975, relating to the seafood dealer's license, so as to further provide for the requirements and

fees therefor, to further regulate and provide for the licensing of certain vehicles from which seafood is bought or sold, and to further provide for penalties; and to provide for effective dates.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 424. Navigation and Waterways.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Bedford, Hale, and Steele:

S. 99. To amend Section 36-22-16, Code of Alabama 1975, relating to the minimum compensation to be paid to sheriffs; to provide for an increase in that compensation, and to provide an expense allowance under certain circumstances.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 99. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Denton:

S. 300. To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the minimum salaries provided in the section by \$5,000 in each population bracket; to provide for two additional \$5,000 increases in compensation effective October 1, 1998 and October 1, 1999 respectively; and to provide an effective date at the beginning of the official's next term of office; to amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, and 40-10-29, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials, and probate judges of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the fee allowed for making demand on a taxpayer for his or her list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make return of taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; and Section 40-10-29 relating to the fee allowed the judge of probate for issuing a tax deed, so as to increase the fees allowed in the sections to \$10.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 300. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Lindsey:

S. 239. To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, to further provide for the setting of the compensation by resolution of the commission.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 239. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Langford:

S. 215. To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 215. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Windom, Bedford, and Dixon:

S. 220. To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 220. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Dixon:

S. 232. To allow state employees who have received appropriate training and who volunteer for American Red Cross operations paid leave.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 232. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Freeman:

S. 368. To amend Section 32-7-5 and Section 32-7-6 of the Code of Alabama 1975, the Motor Vehicle Safety Responsibility Act; to increase the time allowed for the operator or owner of a motor vehicle to file the required forms after a motor vehicle accident and to provide that reinstatement fees will not be assessed on suspension if proper documentation is provided that acceptable insurance was in effect at the time of the motor vehicle accident.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 368. Highway Safety.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Windom and Bedford:

S. 384. To create the Alabama Real Estate Investment Trust Act; to provide for the formation and operation of real estate investment trusts in Alabama; to provide for merger and consolidation of domestic and foreign entities with and into domestic real estate investment trusts; to provide for filing and certifying fees; and to provide for the treatment of corporations qualifying as real estate investment trusts.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 384. State Administration.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 116. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 234. RELATIVE TO MEETING DAYS

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 135. To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for a black appointee to the Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$40,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE**MOTION TO CONCUR OFFERED**

Representative Hammett offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 135, said amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for a black appointee to the Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$50,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, are amended to read as follows:

"§36-25-1.

"Whenever used in this chapter, the following words and terms shall have the following ~~respective~~ meanings ~~unless the context clearly indicates otherwise~~:

"(1) BUSINESS. Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, ~~and or~~ any other legal entity.

"(2) BUSINESS WITH WHICH HE THE PERSON IS ASSOCIATED. Any business of which the person or a member of his or her family is an officer, owner, partner, Board of Director member, ~~Trustee, Advisory Council member or the recipient of any financial gain whether by contract, agreement or assignment~~ employee, or holder of more than ~~10~~ five percent of the fair market value of ~~such~~ the business.

~~"(3) CANDIDATE FOR PUBLIC OFFICE. Any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official. An individual who has done any of the following:~~

"a. Taken the action necessary under the laws of the state to qualify himself or herself for nomination or for election to any state office or local office, or in the case of an independent seeking ballot access, on the date when he or she files a petition with the judge of probate in the case of county offices, with the appropriate qualifying municipal official in the case of municipal offices, or the Secretary of State in all other cases.

"b. Received contributions or made expenditures, or given his or her consent for any other person or persons to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to any state office or local office.

"Notwithstanding the foregoing, no person shall be considered a candidate within the meaning of this subdivision until the time he or she has either received contributions or expenditures as provided herein in the following amounts:

"1. Ten thousand dollars (\$10,000) or more, with a view toward bringing about nomination or election to any state office other than one filled by election of the registered voters of any circuit or district within the state.

"2. Five thousand dollars (\$5,000) or more, with a view toward bringing about nomination or election to any state office filled by election of the registered voters of any circuit or district.

"3. One thousand dollars (\$1,000) or more, with a view toward bringing about nomination or election to any local office.

"(4) COMMISSION. The state ethics commission.

"(5) COMPLAINANT. A person who alleges a violation or violations of this chapter by filing a complaint against a respondent.

"(6) CONFIDENTIAL INFORMATION. A complaint filed pursuant to this chapter, together with any statement, conversations, knowledge of evidence, or information received from the complainant, witness, or other person related to such complaint.

"(7) CONFLICT OF INTEREST. A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs. A conflict of interest shall not include any of the following:

"a. A loan or financial transaction made or conducted in the ordinary course of business.

"b. An occasional nonpecuniary award publicly presented by an organization for performance of public service.

"c. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for the personal attendance of a public official or public employee at a convention or other meeting at which he or she is scheduled to meaningfully participate in connection with his or her official duties and for which attendance no reimbursement is made by the state.

"d. Any campaign contribution, including the purchase of tickets to, or advertisements in journals, for political or testimonial dinners, if the contribution is actually used for political purposes and is not given under circumstances from which it could reasonably be inferred that the purpose of the contribution is to substantially influence a public official in the performance of his or her official duties.

"(8) DAY. Calendar day.

"(9) DEPENDENT. Any person, regardless of his or her legal residence or domicile, who receives 50 percent or more of his or her support from the public official or public employee or his or her spouse or who resided with the public official or public employee for more than 180 days during the reporting period.

"(10) FAMILY MEMBER OF THE PUBLIC EMPLOYEE. The spouse or a dependent of the public employee.

"(11) FAMILY MEMBER OF THE PUBLIC OFFICIAL. The spouse, a dependent, an adult child and his or her spouse, a parent, a spouse's parents, a sibling and his or her spouse, of the public official.

"(12) GOVERNMENTAL CORPORATIONS AND AUTHORITIES. Public or private corporations and authorities, including but not limited to, hospitals or other health care corporations, established pursuant to state law by state, county or municipal governments for the purpose of carrying out a specific governmental function.

"(13) HOUSEHOLD. The public official, public employee, and his or her spouse and dependents.

"(14) LAW ENFORCEMENT OFFICER. A full-time employee of a governmental unit responsible for the prevention or investigation of crime who is authorized by law to carry firearms, execute search warrants, and make arrests.

"(15) LEGISLATIVE BODY. The Senate of Alabama, the House of Representatives of Alabama, a county commission, city council, city commission, town council, or municipal council or commission, and any committee or subcommittee thereof.

"(6) (16) LOBBYING. The practice of promoting, ~~or~~ opposing, or in any manner influencing or attempting to influence the introduction, defeat, or enactment of legislation before the legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of legislation; any legislative body; opposing or in any manner influencing the executive approval, veto, or amendment of legislation; or the practice of promoting, opposing, or in any manner influencing or attempting to influence the enactment, promulgation, modification, or deletion of regulations before any regulatory body; provided, however, that providing public testimony before a legislative body or regulatory body or any committee thereof shall not be deemed lobbying.

"(7) (17) LOBBYIST. All persons who seek to encourage the passage, defeat or modification of any legislation, except members of the Alabama legislature or any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama legislature, merely appears before a committee or committees of the legislature in his individual capacity, or on behalf of a corporation, partnership, association or other business entity, with which such person is regularly associated as an employee, officer, member or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation, and who shall so declare to a member, members or committee of the legislature with whom he discusses any proposed legislation.

"a. The term lobbyist includes any of the following:

"1. A person who receives compensation or reimbursement from another person, group, or entity to lobby.

"2. A person who lobbies as a regular and usual part of employment, whether or not any compensation in addition to regular salary and benefits is received.

"3. A person who expends in excess of one hundred dollars (\$100), not including funds expended for travel, subsistence expenses, and literature, buttons, stickers, publications, or other acts of free speech, during a calendar year to lobby.

"4. A consultant to the state, county, or municipal levels of government or their instrumentalities, in any manner employed to influence legislation or regulation, regardless whether the consultant is paid in whole or part from state, county, municipal, or private funds.

5. An employee, a paid consultant, or a member of the staff of a lobbyist, whether or not he or she is paid, who regularly communicates with members of a legislative body regarding pending legislation and other matters while the legislative body is in session.

"b. The term lobbyist does not include any of the following:

"1. A member of a legislative body on a matter which involves that person's official duties.

"2. A person or attorney rendering professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation, executive action, or rules or regulations, where those professional services are not otherwise connected with legislative, executive, or regulatory action.

"3. Reporters and editors while pursuing normal reportorial and editorial duties.

"4. Any citizen not expending funds as set out above in paragraph a.3 or not lobbying for compensation who contacts a member of a legislative body, or gives public testimony on a particular issue or on particular legislation, or for the purpose of influencing legislation and who is merely exercising his or her constitutional right to communicate with members of a legislative body.

"5. A person who appears before a legislative body, a regulatory body, or an executive agency to either sell or purchase goods or services.

"(18) MINOR VIOLATION. Any violation of this chapter in which the public official or public employee receives an economic gain in an amount less than two hundred fifty dollars (\$250) or the governmental entity has an economic loss of less than two hundred fifty dollars (\$250).

"(19) PERSON. A business, individual, corporation, partnership, union, association, firm, committee, club, or other organization or group of persons.

"(20) PERSONAL AND LEGISLATIVE LIVING EXPENSES. Household supplies; personal clothing; tuition payments; mortgage, rent, or utility payments for a personal residence; admission to an entertainment event or fees for a country club or social club, unless tied to a specific campaign event or functions involving constituents; and any other expense (excluding food and beverages) that would exist irrespective of the candidate's campaign or duties as a legislator. Personal and legislative living expenses shall not include: food and beverages, travel or communication or other political expenses incurred by the legislator in the performance of the office held.

"(21) PRINCIPAL. A person or business which employs, hires, or otherwise retains a lobbyist. Nothing in this chapter shall be deemed to prohibit a principal from simultaneously serving as his or her own lobbyist.

~~"(9) (22) PUBLIC EMPLOYEE. Any person employed at the state, county, or municipal level of government or their instrumentalities, including governmental corporations and authorities who is paid in whole or in part from state, county or municipal funds. For purposes of this chapter, a public employee does not include a person employed on a part-time basis whose employment is limited to providing professional services other than lobbying, the compensation for which constitutes less than 50 percent of the part-time employee's income. For purposes of this chapter, a public employee includes the chairs and vice chairs or equivalent offices of each state political party as defined in Section 17-16-2, Code of Alabama 1975.~~

~~"(10) PUBLIC EMPLOYEE'S FAMILY. The employee's spouse and dependents.~~

~~"(11) (23) PUBLIC OFFICIAL. Any person elected to public office, whether or not that person has taken office, by the vote of the people at state, county, or municipal level of government or their instrumentalities, including governmental corporations, and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities, including governmental corporations. For purposes of this chapter, a public official includes the chairs and vice-chairs or the equivalent offices of each state political party as defined in section 17-16-2, Code of Alabama 1975.~~

~~"(12) PUBLIC OFFICIAL'S FAMILY. The official's spouse and dependents.~~

"(24) REGULATORY BODY. A state agency which issues regulations in accordance with the Alabama Administrative Procedure Act or a state, county, or municipal department, agency, board, or commission which controls, according to rule or regulation, the activities, business licensure, or functions of any group, person, or persons.

"(25) REPORTING PERIOD. The reporting official's or employee's fiscal tax year as it applies to his or her United States personal income tax return.

"(8) (26) REPORTING YEAR. The reporting official's or employee's fiscal tax year as it applies to his or her United States personal income tax return(s) return.

"(27) RESPONDENT. A person alleged to have violated a provision of this chapter and against whom a complaint has been filed with the commission.

"(5) (28) STATEMENT OF ECONOMIC INTERESTS. A financial disclosure form made available by the commission which must shall be completed and filed with the state ethics commission prior to April 30 of each year covering the preceding calendar year by all elected certain public officials and those appointed public officials and public employees, who occupy positions paying \$25,000.00 or more annually and all candidates for elected public office within five days of becoming a candidate for elected public office.

"(29) SUPERVISOR. Any person having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, or discipline other public employees, or any person responsible to direct them, or to adjust their grievances, or to recommend personnel action, if, in connection with the foregoing, the exercise of the authority is not of a merely routine or clerical nature but requires the use of independent judgment.

"(30) THING OF VALUE. a. Any gift, benefit, favor, service, gratuity, special discount tickets or passes to an entertainment, social or sporting event offered only to public officials, unsecured loan, other than those loans made in the ordinary course of business, reward, promise of future employment, or honoraria.

"b. The term, thing of value, does not include any of the following, provided that no particular course of action is required as a condition to the receipt thereof:

"1. Campaign contribution as defined in Section 17-22A-2.

"2. Seasonal gifts of an insignificant economic value of less than one hundred dollars (\$100) if the aggregate value of such gifts from any single donor is less than two hundred fifty dollars (\$250) during any one calendar year.

"3. Hospitality extended to a public official, public employee, and his or her respective household as a social occasion in the form of food and beverages where the provider is present, lodging in the continental United States and Alaska incidental to the social occasion, and tickets to social or sporting events if the hospitality does not extend beyond three consecutive days and is not continuous in nature and the aggregate value of such hospitality in excess of two hundred fifty dollars (\$250) within a calendar day is reported to the commission by the provider. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

"4. Reasonable transportation, food and beverages where the provider is present, and lodging expenses in the continental United States and Alaska which are provided in conjunction with an educational or informational purpose, together with any hospitality associated therewith; provided, that such hospitality is less than 50 percent of the time spent at such event, and provided further that if the aggregate value of such transportation, lodging, food, beverages, and any hospitality provided to such public employee, public official, and his or her respective household is in excess of two hundred fifty dollars (\$250) within a calendar day the total amount expended shall be reported to the commission by the provider. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure.

"5. Promotional items commonly distributed to the general public and food or beverages of a nominal value.

"c. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of a personal gift made to a public official or public employee from a spouse, intended spouse, dependent, adult child, sibling, parent, grandparent, uncle, aunt, nephews, nieces or cousins of the public official or public employee, except as otherwise provided by law.

"d. Nothing in this chapter shall be deemed to limit, prohibit, or otherwise require the disclosure of gifts through inheritance received by a public employee or public official.

"(31) VALUE. The fair market price of a like item if purchased by a private citizen.

"§36-25-2.

"(a) The Legislature hereby finds and declares:

"(1) It is essential to the proper operation of democratic government that public officials be independent and impartial; ~~that governmental~~.

"(2) ~~Governmental~~ decisions and policy ~~should~~ be made in the proper channels of the governmental structure; ~~that public~~.

"(3) No public office ~~not~~ should be used for private gain other than the remuneration provided by law; ~~and that~~.

"(4) It is important that there be public confidence in the integrity of government.

"(5) The attainment of one or more of ~~these~~ the ends set forth in this subsection is impaired whenever there exists a conflict of interest between the private interests of ~~an elected~~ a public official or a ~~government~~ public employee and his the duties as ~~such~~ of the public official or public employee.

"(6) The public interest, ~~therefore,~~ requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected public officials and government public employees in situations where conflicts exist.

"(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve the in government. Accordingly, legal safeguards against conflicts of interest ~~must shall~~ be so designed as not to unnecessarily or unreasonably to impede the recruitment and retention by the government service of those men and women who are best qualified to serve it elected or appointed to do so. An essential principle underlying the staffing of our government governmental structure is that its elected public officials and public employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of ~~such-elected public officials and public employees~~ to the public cannot be avoided.

"(c) The ~~legislature hereby~~ Legislature declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to ~~individual members of the legislature, to committees of the legislature~~ the legislative bodies and to officials of the executive branch, their opinions on legislation, on pending ~~executive governmental~~ actions, and on current issues; ~~and that, to.~~ To preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures, and activities of certain persons who engage in efforts to persuade members of the legislature legislative bodies or members of the executive branch to take specific actions, either by direct communication to ~~such~~ these officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. ~~The provisions of this~~ This chapter shall be liberally construed to promote complete disclosure of all ~~such~~ relevant information and ~~so as to assure~~ insure that the public interest ~~will be~~ is fully protected.

"(d) It is the policy and purpose of this chapter to implement these objectives of protecting the integrity of all governmental units of this state and of facilitating the recruitment and retention service of qualified personnel by prescribing essential restrictions against conflicts of interest in ~~state government public service~~ without creating unnecessary barriers to ~~the public service~~ thereto.

"§36-25-3.

"(a) There is hereby created a state ethics commission ~~which shall be~~ composed of five members, each of whom shall be a fair, equitable citizen of this state and of high moral character and ability. The following persons shall not be eligible to be appointed as members: (1) a public official; (2) a public employee; (3) a candidate; (4) a registered lobbyist and his or her principal; or (5) a former employee of the commission. For purposes of this section, a public official shall not be deemed to include a part-time municipal judge and a registered lobbyist

shall not be deemed to include a person whose lobbying activities are limited to providing public testimony to a legislative body or regulatory body or committee thereof. No member of the commission shall be eligible for appointment reappointment to succeed himself or herself. The members of such the commission shall be appointed by the following officers: the governor, the lieutenant governor, or in the absence of a Lieutenant Governor, the Presiding Officer of the Senate, and the speaker of the house of representatives and shall assume their duties upon confirmation by the senate. The members of the first commission shall be appointed for terms of office expiring one, two, three, four and five years, respectively, from September 1, 1975. Successors to the members of this the first commission shall serve each be appointed for terms a term of five years beginning service on September 1 of the year appointed and serving and until their successors are appointed and have qualified confirmed. If at any time there should be a vacancy on the commission, a successor member to serve for the unexpired term applicable to such vacancy shall be appointed by the governor. The commission shall elect one member to serve as chairman chair of the commission and one member to serve as vice-chairman vice chair. The vice-chairman vice chair shall act as chairman chair in the absence or disability of the chairman chair or in the event of a vacancy in that office. As soon as all the members of the board have been appointed, the governor shall call and provide for the holding of an organizational meeting of the commission.

Beginning with the first vacancy on the Ethics Commission after the effective date of this act, if there is not a black member serving on the commission, that vacancy shall be filled by a black appointee. Any vacancy thereafter occurring on the commission, shall also be filled by a black appointee if there is no black member serving on the commission at that time.

"(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and three members thereof shall constitute a quorum.

"(c) The commission shall at the close of each fiscal year, or as soon thereafter as practicable, report to the legislature and the governor concerning the action actions it has taken, the name, salary, and duties of the director, the names, salaries and duties of all individuals in its employ, and the money it has disbursed, and shall make such further reports on the other relevant matters within its jurisdiction, and such recommendations for further legislation as may appear desirable the commission deems appropriate.

"(d) Members of the commission shall, while serving on the business of the commission, be entitled to receive compensation at the rate of ~~\$50.00~~ fifty dollars (\$50) per day, and each ~~such~~ member shall be paid his or her travel expenses incurred in the performance of his or her duties as a member of the commission as other state employees and officials are paid when approved by the ~~chairman~~ thereof chair. If for any reason a member of the commission wishes not to claim and accept the compensation or travel expenses, the member shall inform the director, in writing, of the refusal. The member may at any time during his or her

term begin accepting compensation or travel expenses; however, the member's refusal for any covered period shall act as an irrevocable waiver for that period.

"(e) All members, officers, agents, attorneys, and employees of the commission shall be subject to the provisions of this chapter and also to the provisions of law prohibiting political activities by state employees. The director and all employees of the commission shall not engage in direct partisan political activity on the state, county, and local levels. The prohibition shall in no way act to limit or restrict such persons' ability to vote in any election.

"(f) The commission shall appoint an executive a full-time director, and such other staff as is needed. All such appointees The director shall serve at the pleasure of the commission and shall appoint such other employees as needed. All such employees, except for the executive director, shall be employed subject to the provisions of the state merit system law, and their compensation shall be prescribed pursuant to such law. The employment of attorneys shall be subject to subsection (h). The compensation of the executive director shall be fixed by the commission, but shall not exceed such amount as heretofore or as may hereafter be allowed by law for such officer, payable as the salaries of other state employees. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulation or order of the commission. However, the commission shall not delegate the making of regulations to the executive director. The commission may require the executive director to draft regulations, but no administer this chapter in accordance with the commission's policies. No regulation shall be implemented by the executive director until adopted by the commission in accordance with Sections 41-22-1 to 41-22-27, inclusive, the Alabama Administrative Procedure Act members.

"(g) The commission is hereby authorized, when in its discretion the ends of justice will be thereby served, to waive any rule or regulation presented relative to any disclosure statement; provided, that such waiver is done in writing stating the reason why and made a part of the public record. The director may appoint part-time stenographic reporters or certified court reporters, as needed, to take and transcribe the testimony in any formal or informal hearing or investigation before the commission or before any person authorized by the commission. The reporters shall not be full-time employees of the commission and shall not be subject to the merit system law and may not participate in the State Retirement System.

"(h) The director may, with the approval of the Attorney General, appoint a competent attorney as legal counsel for the commission. The legal counsel shall be of good moral and ethical character, licensed to practice law in this state, and a member in good standing of the Alabama Bar Association. The legal counsel shall be commissioned as an Assistant or Deputy Attorney General and shall, in addition to the powers and duties herein conferred, have the authority and duties of an Assistant or Deputy Attorney General, except, that his or her entire time shall be devoted to the commission. The attorney shall act as an attorney for the

commission in actions or proceedings brought by or against the commission pursuant to any provisions of law under the commission's jurisdiction, or in which the commission joins or intervenes as to a matter within the commission's jurisdiction, or as a friend of the court or otherwise; provided however, nothing in this section shall be deemed as a direct grant of subpoena power to the commission.

"(i) The director shall designate in writing the chief investigator, should there be one, and a maximum of six full-time investigators who shall be and are hereby constituted law enforcement officers of the State of Alabama with full and unlimited police power and jurisdiction to enforce the laws of this state pertaining to the operation and administration of the commission and this chapter. Investigators shall meet the requirements of the Alabama Peace Officers' Standards and Training Act, Sections 36-21-40 to 36-21-51, inclusive; and shall in all ways and for all purposes be considered law enforcement officers; provided however such investigators shall not have arrest powers only exercise their power of arrest as granted under this act pursuant to an order issued by a court of competent jurisdiction.

"§36-25-4.

~~"It shall be the duty of the~~(a) The commission shall do all of the following:

~~"(1) To prescribe~~ Prescribe forms for statements required to be filed by this chapter and ~~to furnish~~ make such the forms available to persons required to file such statements.

~~"(2) To prepare and publish a manual~~ Prepare guidelines setting forth recommended uniform methods of reporting for use by persons required to file statements required by this chapter.

~~"(3) To accept~~ Accept and file any written information voluntarily supplied that exceeds the requirements of this chapter.

~~"(4) To develop~~ Develop, where practicable, a filing, coding, and cross-indexing system ~~consonant~~ consistent with the purposes of this chapter.

~~"(5) To make~~ Make reports and statements filed with ~~it the commission~~ available at reasonable during regular business hours to responsible public inquiry subject to such regulations as the commission may prescribe including, but not limited to, regulations requiring identification by name, occupation, address, and telephone number of each ~~such~~ person examining information on file with the commission; ~~provided, that no copies of reports and statements will be removed from the office of the state ethics commission.~~

~~"(6) To preserve such~~ Preserve reports and statements for a period of ~~six years from date of receipt~~ consistent with the statute of limitations as contained in this chapter. The reports and statements, when no longer required to be retained,

shall be disposed of by shredding the reports and statements and disposing of or recycling them, or otherwise disposing of the reports and statements in any other manner prescribed by law. Nothing in this section shall in any manner limit the Department of Archives and History from receiving and retaining any documents pursuant to existing law.

~~"(7) To make~~ Make investigations with respect to statements filed ~~under the provisions of~~ pursuant to this chapter, and with respect to alleged failures to file, or omissions contained therein, any statement required ~~under the provisions of~~ pursuant to this chapter and, upon complaint by any individual, or upon a complaint by the commission brought upon its own initiative by unanimous written consent of the commission members, with respect to alleged violation of any part of this chapter; ~~and, whenever to the extent authorized by law~~ When when in its opinion a thorough audit of any person or any business should be made in order to determine whether this chapter has been violated, the commission shall direct the examiner of public accounts to have ~~such an~~ an audit made and a report thereof filed with the commission. The examiner of public accounts shall, upon receipt of ~~such the~~ the directive, ~~immediately~~ immediately comply therewith.

~~"(8) To report~~ Report suspected violations of law to the appropriate law-enforcement authorities.

~~"(9) To issue upon request~~ Issue and publish advisory opinions on the requirements of this chapter, based on a real or hypothetical set of circumstances. ~~The written opinion of the state ethics commission provided to anyone shall protect such person to whom it is directed from liability to either the state, county or municipal subdivision of the state because of any official action or actions performed as directed or advised in such opinion.~~ Such advisory opinions shall be adopted by a majority vote of the members of the commission present and shall be effective and deemed valid until expressly overruled or altered by the commission or a court of competent jurisdiction. The written advisory opinions of the commission shall protect the person at whose request the opinion was issued and any other person reasonably relying, in good faith, on the advisory opinion in a materially like circumstance from liability to the state, a county, or a municipal subdivision of the state because of any action performed or action refrained from in reliance of the advisory opinion. Nothing in this section shall be deemed to protect any person relying on the advisory opinion if the reliance is not in good faith, is not reasonable, is not in a materially like circumstance. The commission may impose reasonable charges for publication of the advisory opinions and monies shall be collected, deposited, dispensed, or retained as provided herein. Upon the effective date of this amendatory act, all prior advisory opinions of the commission in conflict with this chapter, shall be ineffective and thereby deemed invalid and otherwise overruled unless there has been any action performed or action refrained from in reliance of a prior advisory opinion.

~~"(10) To initiate~~ Initiate and continue, where practicable, programs for the purpose of educating candidates, officials, employees, and citizens of Alabama on matters of ethics in government service.

~~"(11) To In accordance with Sections 41-22-1 to 41-22-27, inclusive, the Alabama Administrative Procedure Act, prescribe, publish, and enforce rules and regulations to carry out the provisions of this chapter. No such rules and regulations, however, shall be adopted until notice thereof is given by publication at least 30 days prior to the date set for adoption thereof and an opportunity afforded to the public to appear and contest such rules and regulations. The commission is authorized only to make rules and regulations on the subject matter specifically mentioned in this chapter.~~

~~"(12) After the commission has been organized pursuant to this chapter and has prescribed the rules and regulations and adopted and promulgated such rules and regulations, it shall give notice for 60 days prior thereto of the day on which such rules and regulations shall become effective throughout this state and other provisions of this chapter shall be thereby implemented.~~

~~"(13) No member nor employees of said commission shall make any public statement or give out any information concerning any complaint against any individual until the investigation of said complaint is completed and the commission has taken final action as to the disposition of said complaint. Any member or employee of said commission who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction be sentenced to the county jail for one year or be fined up to \$1,000.00, or both.~~

~~"(b) A complaint filed pursuant to this chapter, together with any statement, evidence, or information received from the complainant, witnesses, or other persons shall be protected by and subject to the same restrictions relating to secrecy and nondisclosure of information, conversation, knowledge, or evidence of Sections 12-16-214 to 12-16-216, inclusive. Such restrictions shall apply to all investigatory activities taken by the director, the commission or a member thereof, staff, employees, or any person engaged by the commission in response to a complaint filed with the commission and to all proceedings relating thereto before the commission.~~

~~"(14) (c) The commission shall not take any investigatory action on a telephonic or written complaint against a public official respondent so long as the complainant remains anonymous. Investigatory action on a complaint from an identifiable source shall not be initiated until the true identity of the source has been ascertained and written verification of such ascertainment is in the commission's files. The complaint may only be filed by a person who has or persons who have actual knowledge of the allegations contained in the complaint. A complainant may not file a complaint for another person or persons in order to circumvent this subsection. Prior to commencing any investigation, the commission shall first receive a written and signed complaint which sets forth in detail the specific charges against a respondent, and the factual allegations which support such charges. If a complaint is initiated by the commission, the complaint shall contain the charges against a respondent, and factual allegations which support those charges. In all matters that come before the commission concerning a complaint on an individual, the laws of due process shall be strictly adhered to apply.~~

"(d) Not less than 45 days prior to any hearing before the commission, the respondent shall be given notice that a complaint has been filed against him or her and shall be given a summary of the charges contained therein. Upon the timely request of the respondent, a continuance of the hearing for not less than 30 days shall be granted for good cause shown. The respondent charged in the complaint shall have the right to be represented by retained legal counsel. The commission may not require the respondent to be a witness against himself or herself.

"(e) The commission shall provide discovery to the respondent pursuant to the Alabama Rules of Criminal Procedure as promulgated by the Alabama Supreme Court.

"(f)(1) All fees, penalties, and fines collected by the commission pursuant to this chapter shall be deposited into the State General Fund.

"(2) All monies collected as reasonable payment of costs for copying, reproductions, publications, and lists shall be deemed a refund against disbursement and shall be deposited into the appropriate fund account for the use of the commission.

"(g) If the commission finds cause that a person covered by this chapter has violated it, the case and the commission's findings shall be forwarded to the district attorney for the jurisdiction in which the alleged acts occurred or to the Attorney General. The case, along with the commission's findings, shall be referred for appropriate legal action. Nothing in this section shall be deemed to limit the commission's ability to take appropriate legal action when so requested by the district attorney for the appropriate jurisdiction or by the Attorney General.

"§36-25-5.

"(a) No public official or public employee shall use an or cause to be used his or her official position or office to obtain direct personal financial gain for himself or herself, or his family member of the public employee or family member of the public official, or any business with which he the person or a member of his family is associated unless such the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain.

"(b) Unless prohibited by the Alabama Constitution of Alabama of 1901, nothing herein shall be construed to prohibit a legislator public official from introducing bills, and ordinances, resolutions, or other legislative matters, serving on committees, or from making statements or taking action in the exercise of his or her legislative duties as a public official. A member of a legislative body may not vote for any legislation in which he or she knows or should have known that he or she has a conflict of interest. A member of a legislative body shall not vote on any legislation or matter which directly affects the public or private entity which employs the member nor shall a member of a legislative body vote on any legislation or matter which directly affects the income or employment of the member.

"(c) No public official or public employee shall use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, any other person, or principal campaign committee as defined in Section 17-22A-2, which would materially affect his or her financial interest, except as otherwise provided by law or as provided pursuant to a lawful employment agreement regulated by agency policy.

"(d) No person shall solicit a public official or public employee to use or cause to be used equipment, facilities, time, materials, human labor, or other public property for such person's private benefit or business benefit, which would materially affect his or her financial interest, except as otherwise provided by law.

"(e) No public official or public employee shall, other than in the ordinary course of business, solicit a thing of value from a subordinate or person or business with whom he or she directly inspects, regulates, or supervises in his or her official capacity.

"(f) A conflict of interest shall be presumed to exist when a member of a legislative body, public official, or public employee has a substantial financial interest by reason of ownership of, control of, or the exercise of power over any interest greater than five percent of the value of any corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation; or who is an officer, director, or agent for any such corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation.

"§36-25-6.

~~"No person shall offer to or give to a public official or employee or his family, and none of the aforementioned shall solicit or receive anything of value, including a gift, favor or service or a promise of future employment, based on any understanding that the vote, official actions, decisions or judgment of the intended recipient or family member would be influenced thereby. Expenses associated with social occasions afforded public officials and employees shall not be deemed a thing of value within the meaning of this section or prohibited hereby.~~

"(a) Notwithstanding any other provision of law, including but not limited to Sections 17-22A-1 to 17-22A-23, inclusive, and 13A-10-61, a candidate, public official, or principal campaign committee, as defined in Section 17-22A-2, may only accept, solicit, or receive contributions, as defined in Section 17-22A-2, to influence the outcome of an election; in addition, a candidate, public official, or principal campaign committee may not accept, solicit, or receive contributions more than 12 months before an election in which the person intends to be a candidate. The candidate may also solicit contributions for a period of 120 days after the election in which the person was a candidate, but only to the extent of any campaign debt of the candidate or the principal campaign committee of the

candidate as indicated on campaign financial disclosure form or to the extent of reaching the threshold that is required for qualification as a candidate for the office which he or she currently holds. The provision of this section dealing with the campaign debt of the candidates or the principal campaign committee of the candidate shall not apply to any prior candidate or current elected official who files a verified statement of such debt with the Secretary of State on or before the effective date of this act. Said debt must have been created on or before January 1, 1995 and shall be directly related to lawful campaign expenditures. Provided, however, any candidate or elected official whose election is challenged including quo warranto challenges may then accept, solicit and receive campaign contributions for the purpose of paying all expenses associated with the election challenge.

"(b) Notwithstanding any other provision of law, including, but not limited to Sections 17-22A-1 to 17-22A-23, inclusive, and 13A-10-61, a candidate, public official, or principal campaign committee shall not accept, solicit, or receive contributions for any of the following reasons:

"(1) As a bribe, as defined by Sections 13A-10-60 to 13A-10-63, inclusive.

"(2) For the intention of corruptly influencing the official actions of the public official or candidate for public office.

"(c) Notwithstanding any other provision of law, including, but not limited to Section 17-22A-7, a candidate, public official, or principal campaign committee may only use contributions, as defined by Section 17-22A-2, received for the following purposes:

"(1) Expenditures of the campaign.

"(2) Expenditures that are reasonably related to performing the duties of the office held. For purposes of this section, expenditures that are reasonably related to performing the duties of the office held do not include personal and legislative living expenses.

"(3) Donations to the State General Fund, Alabama Special Educational Trust Fund or equivalent county or municipal funds.

"(4) Donations to an organization to which a federal income tax deduction is permitted under subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of the Internal Revenue Code of 1986, as amended, or any other charitable, educational, or eleemosynary cause of Section 501 of Title 26 of the U.S. Code.

"(5) Inaugural or transitional expenses incurred after the effective date of this act.

"(d) Contributions to an office holder, a candidate, or to a public official's inaugural or transitional fund shall not be converted to personal use.

"§36-25-7.

"(a) No person shall offer or give to a public official or public employee or a member of the household of a public employee or a member of the household of the public official and none of the aforementioned shall solicit or receive a thing of value for the purpose of influencing official action.

"(b) No public official or public employee shall solicit or receive a thing of value for himself or herself or for a family member of the public employee or family member of the public official for the purpose of influencing official action.

"(c) No person shall offer or give a family member of the public official or family member of the public employee a thing of value for the purpose of influencing official action.

"(a) (d) No public official or public employee, or his family shall solicit or receive any money in addition to that received by the public official or public employee in his an official capacity for advice or assistance on matters concerning the legislature, advice or assistance on matters concerning the legislature, lobbying a legislative body, an executive department or any public regulatory board, commission or other body an executive department or any public regulatory board, commission or other body, of which he or she is a member. Notwithstanding the foregoing, nothing in this section shall be construed to prohibit a public official or public employee from the performance of his or her official duties or responsibilities.

"(b) No public official or employee or business with which he is associated shall receive any fee, salary, wages or other compensation for services provided to the state or any of its agencies or to any county, or municipality or instrumentalities thereof unless a disclosure statement provided for in this section shall be filed with the commission by the person rendering the services.

"(c) The disclosure statement shall include the following information:

"(1) The name of the employer;

"(2) The amount of the compensation received for the employment; and

"(3) The date of employment.

"§36-25-8.

"No public official, or public employee, former public official or former public employee, for a period consistent with the Statute of Limitations as contained in this chapter, shall use or disclose confidential information gained in the course of or by reason of his or her position or employment in any way that could result in financial gain other than his or her regular salary as such state officer public official or public employee for himself or herself, his a family member of the public employee or family member of the public official, or for any other person or business.

"§36-25-9.

~~"(a) Unless expressly provided otherwise by law, no person shall serve as a member or employee of a state, county or municipal regulatory board or commission or other body that regulates any business with which he is associated. Nothing herein shall prohibit real estate brokers, agents, developers, appraisers, mortgage bankers or other persons in the real estate field, or other state-licensed professionals, from serving on any planning boards or commissions, housing authorities, zoning board, board of adjustment, code enforcement board, industrial board, utilities board, state board or commission.~~

~~"(b) All county or municipal regulatory boards, authorities or commissions currently comprised of any real estate brokers, agents, developers, appraisers, mortgage bankers or other persons in the real estate industry may allow these individuals to continue to serve out their current term if appointed before December 31, 1991, except that at the conclusion of such term subsequent appointments shall reflect that membership of real estate brokers and agents shall not exceed more than one less of a majority of any county or municipal regulatory board or commission effective January 1, 1994.~~

(a) Unless expressly provided otherwise by law, no person shall serve as a member or employee of a state, county, or municipal regulatory board or commission or other body that regulates any business with which he is associated. Nothing herein shall prohibit real estate brokers, agents, developers, appraisers, mortgage bankers, or other persons in the real estate field, or other state-licensed professionals, from serving on any planning boards or commissions, housing authorities, zoning board, board of adjustment, code enforcement board, industrial board, utilities board, state board, or commission.

(b) All county or municipal regulatory boards, authorities, or commissions currently comprised of any real estate brokers, agents, developers, appraisers, mortgage bankers, or other persons in the real estate industry may allow these individuals to continue to serve out their current term if appointed before December 31, 1991, except that at the conclusion of such term subsequent appointments shall reflect that membership of real estate brokers and agents shall not exceed more than one less of a majority of any county or municipal regulatory board or commission effective January 1, 1994.

"(c) No member of any county or municipal agency, board, or commission shall vote or participate on in any matters matter in which said the member or immediate family member of said the member has any financial gain or interest in the outcome of said vote.

"(d) All acts, actions, and votes taken by such local boards and commissions between January 1, 1991 and December 31, 1993 are hereby affirmed and ratified.

"§36-25-10.

~~"If a public official or public employee, or family member of his family of the public employee or family member of the public official, or a business with which any of them the person is associated, shall for a fee represent represents a client or constituent for a fee before any quasi-judicial board or commission, governmental regulatory agency body, or executive department or agency, notice of such the representation must shall be given within five 10 days after the first day of such the appearance. to Notice shall be filed with the state ethics commission in the manner prescribed by the commission it. No member of the legislature shall for a fee, reward, or other compensation represent any person, firm, or corporation before the public service commission or the state board of adjustment.~~

"§36-25-11.

~~"Unless exempted under exempt pursuant to Alabama competitive bid laws or otherwise permitted to do so under by law, no public official or public employee, or a member of his family the household of the public employee or the public official, and no business with which any of them the person is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of state, county, or municipal funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of such the contract is filed with the commission. All such contract awards shall be made as a result of original bid takings, and no awards from negotiations after bidding shall be allowed. A copy of each contract, regardless of the amount, entered into by a public official, public employee, family a member of the household of the public employee or the public official, and any business with which any of them the person is associated shall be filed with the state ethics commission within 10 days after the contract has been entered into.~~

"§36-25-12.

~~"No person shall offer or give to a member or employee of a governmental agency, board, or commission that regulates a business with which such the person is associated, and no member or employee of a governmental regulatory agency body, board or commission shall solicit or accept from any such person anything a thing of value including a promise of future employment or a favor or service while the member or employee is associated with the regulatory agency, board, or commission body other than in the ordinary course of business. Expenses associated with social entertainment afforded members and employees shall not be deemed a thing of value within the meaning of this section.~~

"§36-25-13.

~~"(a) No former state official or employee shall serve for a fee as a lobbyist or represent clients before the body of which he is a former member or employee for a period of three years after he leaves such membership or employment, unless notice of such representation is given within five days after such appearance to the state ethics commission in the manner prescribed by the commission.~~

~~"(b) No former public official or employee shall enter into a contract with any governmental agencies unless within five days of entering into said contract notice is filed with the commission of his previous status as a public official or employee and a copy of the contract provided.~~

"(a) No public official shall serve for a fee as a lobbyist or otherwise represent clients, including his or her employer before the board, agency, commission, department, or legislative body, of which he or she is a former member for a period of two years after he or she leaves such membership. For the purposes of this subsection, such prohibition shall not include a former member of the Alabama judiciary who as an attorney represents a client in a legal, non-lobbying capacity.

"(b) No public employee shall serve for a fee as a lobbyist or otherwise represent clients, including his or her employer before the board, agency, commission, or department, of which he or she is a former employee for a period of two years after he or she leaves such employment. For the purposes of this subsection, such prohibition shall not include a former employee of the Alabama judiciary who as an attorney represents a client in a legal, non-lobbying capacity.

"(c) No public official, director, assistant director, department or division chief, purchasing or procurement agent having the authority to make purchases, or any person who negotiates or approves contracts, shall enter into, solicit, or negotiate a contract with the governmental agency of which the person was a member or employee for a period of two years after he or she leaves the membership or employment of such governmental agency.

"(d) No public official or public employee who personally participates in the direct regulation, audit, or investigation of a private business, corporation, partnership, or individual shall within two years of his or her departure from such employment solicit or accept employment with such private business, corporation, partnership, or individual.

"§36-25-14.

~~"(a) A statement of economic interests must shall be completed and filed in accordance with the provisions of this chapter with the state ethics commission no later than April 30 of each year covering the period of the preceding calendar year by each of the following:~~

~~"(1) all All~~ elected public officials at the state, county, or municipal level of government or their instrumentalities.

~~"(2) and any Any~~ person appointed as a public official ~~or and any person~~ employed as a public employee at the state, county, or municipal level of government or their instrumentalities who occupies a position ~~paying whose base pay is \$25,000.00~~ fifty thousand dollars (\$50,000) or more annually.

"(3) All candidates, simultaneously with the date he or she becomes a candidate as defined herein, or the date the candidate files his or her qualifying papers, whichever comes first.

"(4) Members of the Alabama Ethics Commission; appointed members of boards and commissions having statewide jurisdiction (but excluding members of solely advisory boards).

"(5) All full-time nonmerit employees, other than those employed in maintenance, clerical, secretarial, or other similar positions.

"(6) Chief clerks and chief managers.

"(7) Chief county clerks and chief county managers.

"(8) Chief administrators.

"(9) Chief county administrators.

"(10) Any public official or public employee whose primary duty is to invest public funds.

"(11) Chief administrative officers of any political subdivision.

"(12) Chief and assistant county building inspectors.

"(13) Any county or municipal administrator with power to grant or deny land development permits.

"(14) Chief municipal clerks.

"(15) Chiefs of police.

"(16) Fire chiefs.

"(17) City and county school superintendents and school board members.

"(18) City and county school principals or administrators.

"(19) Purchasing or procurement agents having the authority to make any purchase.

"(20) Directors and assistant directors of state agencies.

"(21) Chief financial and accounting directors.

"(22) Chief grant coordinators.

"(23) Each employee of the Legislature or of agencies, including temporary committees and commissions established by the Legislature, other than those employed in maintenance, clerical, secretarial, or similar positions.

"(24) Each employee of the judicial branch of government, including active supernumerary district attorneys and judges, other than those employed in maintenance, clerical, secretarial, or other similar positions.

(b) Unless otherwise required by law, no public employee occupying a position earning less than ~~forty~~ fifty thousand dollars (~~\$40,000~~) (\$50,000) per year shall be required to file a Statement of Economic Interests. Such statement shall be made on a form ~~provided~~ made available by the commission, and The duty to file the Statement of Economic Interests shall rest with the person covered by this chapter. Nothing in this chapter shall be construed to exclude any public employee or public official from this chapter regardless of whether they are required to file a Statement of Economic Interests. The statement shall contain the following information on the person making such the filing:

"(1) Name, residential address, business; name, and address, and business of living spouse, ~~minor and dependent children, adult children, parents, brothers and sisters, and to the best of his knowledge the principal occupation of each of these persons;~~ and dependents; name of living adult children; name of parents and siblings; name of living parents of spouse. Undercover law enforcement officers may have their residential addresses and the names of family members removed from public scrutiny by filing an affidavit stating that publicizing this information would potentially endanger their families.

"(2) A list of ~~occupation(s)~~ occupations to which one third or more of working time was given during previous reporting year by the filing public official, or public employee, and or his or her spouse;

"(3) A listing of total combined family household income of the public official or public employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions, and other compensation ~~from any business doing business in Alabama~~ and listing the names of each business and the income derived from such business in the following categorical amounts: less than ~~\$1,000.00~~ one thousand dollars (\$1,000); at least ~~\$1,000.00~~ one thousand dollars (\$1,000) and less than ~~\$10,000.00~~ ten thousand dollars (\$10,000); ~~\$10,000.00 or more;~~ at least ten thousand dollars (\$10,000) and less than fifty thousand dollars (\$50,000); at least fifty thousand dollars (\$50,000) and less than one hundred fifty thousand dollars (\$150,000); at least one hundred fifty thousand dollars (\$150,000) and less than two hundred fifty thousand dollars (\$250,000); or at least two hundred fifty thousand dollars (\$250,000) or more. ~~further, the~~ The person reporting shall also name any business or subsidiary thereof in which he or she or his or her spouse or dependents, jointly or severally, own ~~one-tenth~~ five percent or more of the stock or in which he or she or his or her spouse or dependents serves as an officer, director, trustee, or consultant where ~~such~~ the service provides income of ~~more than~~ at least \$1,000.00 one thousand dollars

(\$1,000) and less than five thousand dollars (\$5,000); or at least five thousand dollars (\$5,000) or more for the reporting period;

"(4) If the filing public official or public employee, or his or her spouse, has engaged in a business during the last reporting year which provides legal, accounting, medical or health related, real estate, banking, insurance, educational, farming, engineering, architectural management, or other professional services or consultations, then the filing party shall report the number of clients of such business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category: electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipeline companies, oil ~~and/or~~ or gas exploration companies, or both, oil and gas retail companies, banks, savings and loan associations, loan ~~and/or~~ or finance companies, or both, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, and other insurance companies, retail companies, beer, wine ~~and/or~~ or liquor companies or distributors, or combination thereof, trade associations, professional associations, governmental associations, associations of public employees or public officials, counties, and any other businesses or associations that the commission may deem appropriate. Amounts received from combined clients in each category shall be reported as in the following categorical amounts: less than ~~\$1,000.00~~ one thousand dollars (\$1,000); ~~more than \$1,000.00~~ one thousand dollars (\$1,000) but and less than \$10,000.00 ~~ten thousand dollars (\$10,000)~~; ~~at least \$10,000.00~~ ten thousand dollars (\$10,000) and less than twenty-five thousand dollars (\$25,000); ~~at least twenty-five thousand dollars (\$25,000)~~ and less than fifty thousand dollars (\$50,000); ~~at least fifty thousand dollars (\$50,000)~~ and less than one hundred thousand dollars (\$100,000); ~~at least one hundred thousand dollars (\$100,000)~~ and less than one hundred fifty thousand dollars (\$150,000); ~~at least one hundred fifty thousand dollars (\$150,000)~~ and less than two hundred fifty thousand dollars (\$250,000); ~~or at least two hundred fifty thousand dollars (\$250,000)~~ or above; more.

"(5) If retainers are in existence or contracted for in any of the above categories of clients, a listing of the categories along with the anticipated income to be expected annually from each category of clients shall be shown in the following categorical amounts: less than ~~\$1,250.00~~ \$1,250.00 or more; one thousand dollars (\$1,000); ~~at least one thousand dollars (\$1,000)~~ and less than five thousand dollars (\$5,000); ~~or at least five thousand dollars (\$5,000)~~ or more.

"(6) If real estate ~~that is held for investment or is revenue producing is held~~ production by a public official, his or her spouse or dependents, then a listing thereof ~~by in the following categories of fair market value categorical amounts:~~ under \$50,000.00 ~~fifty thousand dollars (\$50,000)~~; ~~at least \$50,000.00~~ fifty thousand dollars (\$50,000) but less than \$250,000.00; \$250,000.00 or more; and the following categories ~~and less than one hundred thousand dollars (\$100,000)~~; ~~at least one hundred thousand dollars (\$100,000)~~ and less than one hundred fifty thousand dollars (\$150,000); ~~at least one hundred fifty thousand dollars (\$150,000)~~ and less than two hundred fifty thousand dollars (\$250,000); ~~at least~~

two hundred fifty thousand dollars (\$250,000) or more. A listing of annual gross rent and lease income on real estate shall be made in the following categorical amounts: less than \$10,000-00 ten thousand dollars (\$10,000); at least \$10,000-00 ten thousand dollars (\$10,000) and less than \$50,000-00 fifty thousand dollars (\$50,000); \$50,000-00 fifty thousand dollars (\$50,000) or more. Furthermore, if a public official or a business in which he the person is associated receives received rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission;

"(7) A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: Banks, savings and loan associations, insurance companies, mortgage firms, and stockbrokers and brokerages or bond firms (the commission shall add additional categories as it deems necessary); and the indebtedness to combined organizations in each category in amounts as follows the following categorical amounts: Less than \$25,000-00 twenty-five thousand dollars (\$25,000); \$25,000-00 twenty-five thousand dollars (\$25,000) but and less than \$50,000-00 fifty thousand dollars (\$50,000); \$50,000-00 fifty thousand dollars (\$50,000) but and less than \$100,000-00 one hundred thousand dollars (\$100,000); \$100,000-00 one hundred thousand dollars (\$100,000) and less than one hundred fifty thousand dollars (\$150,000); one hundred fifty thousand dollars (\$150,000) and less than two hundred fifty thousand dollars (\$250,000); two hundred fifty thousand dollars (\$250,000) or more. The commission may add additional business to this listing. Indebtedness associated with the homestead of the person filing is exempted from this disclosure requirement.

"(c) Filing required by this section shall reflect information and facts in existence at the end of the reporting year.

"(d) ~~In the event that said~~ If the information required herein is not filed as required, the commission shall notify the public official or public employee concerned as to his or her failure to so file and the public official or public employee shall have 10 days to file said the report after receipt of said the notification. The commission may, in its discretion, assess a fine of ten dollars (\$10) a day, not to exceed one thousand dollars (\$1,000), for failure to file timely.

"(b) (e) ~~After the original filing of the above prescribed statement(s), each person shall make additional subsequent filing within 90 days after the termination of each succeeding reporting year. Filings required by subdivisions (5), (6) and (7) of subsection (a) of this section shall reflect information and facts in existence at the end of the reporting year. A person who intentionally violates any financial disclosure filing requirement of this chapter shall be subject to administrative fines imposed by the commission, or shall, upon conviction, be guilty of a Class A misdemeanor, or both.~~

Any person who unintentionally neglects to include any information relating to the financial disclosure filing requirements of this chapter shall have 90 days to file an amended statement of economic interests without penalty.

"§36-25-15.

~~"(a) Within 10 days after he becomes a candidate for state office, each candidate shall file a statement of economic interests as prescribed by the commission and in keeping with this chapter at the office of the state ethics commission. Candidates at every level of government shall file a completed Statement of Economic Interests for the previous calendar year with the appropriate election official simultaneously with the date he or she becomes a candidate as defined herein or the date such candidate files his or her qualifying papers with the appropriate election official, whichever date occurs first. Such election official shall within five days forward the Statement of Economic Interests of the candidate to the commission. Nothing in this section shall be deemed to require a second filing of the person's Statement of Economic Interests if a current Statement of Economic Interests is on file with the commission.~~

~~"(b) Each election official who receives a declaration of candidacy or petition to appear on the ballot for election as a state official from a candidate and each official who nominates a person to serve as a state public official shall, within five days of such the receipt or nomination, notify the state ethics commission of the name of each new the candidate for state office, as defined in this chapter, and the date on which such the person became a candidate or was nominated as a public official.~~

~~"(c) The state ethics commission shall notify such official and, in the case of candidates for appointive office, the clerk or secretary of the body that will approve or disapprove the nomination, of the name of each candidate who files a statement of economic interests at the office of the commission and of the date on which such statement was filed.~~

~~"(d) (c) Other provisions of the law notwithstanding, if a candidate for elective public office does not submit a statement of economic interests in accordance with the requirements of this chapter within 10 days after he becomes a candidate, his the name of the person shall not appear on the ballot and the candidate shall be deemed not qualified as a candidate in that election. Notwithstanding the foregoing, the commission may, for good cause shown, allow the candidate an additional five days to file such Statement of Economic Interests. However, the state ethics commission may in its discretion allow the candidate an additional five days to file such statement of economic interests because of mistake, omission, error or other good cause. If a candidate is deemed not qualified, the appropriate election official shall remove the name of the candidate from the ballot.~~

~~"(e) If a person who becomes a candidate for appointive public office by nomination fails to file a statement of economic interests in accordance with the provisions of this chapter within 10 days after such nomination, the nomination shall not be approved or ratified until at least 10 days after he has filed such statement of economic interests.~~

"§36-25-16.

"(a) When any citizen of the state or business with which he or she is associated represents for a fee any person before a state regulatory agency or commission or department body of the executive branch, he or she shall report to the ~~state ethics~~ commission the name of any adult child, parent, spouse, brother, or sister who is an a public official or an a public employee of that state regulatory agency or commission or department body of the executive branch.

"(b) When any citizen of the state or business with which ~~he~~ the person is associated enters into a contract for the sale of goods or services to the state of Alabama or any of its agencies or any county or municipality and any of their respective agencies in amounts exceeding \$1,000.00 seven thousand five hundred dollars (\$7,500), he or she shall report to the ~~state ethics~~ commission the names of any adult child, parent, spouse, brother, or sister who is an a public official or public employee of the agency or department with whom the contract is made.

"(c) This section shall not apply to any contract for the sale of goods or services awarded through a process of public notice and competitive bidding.

~~"(e) (d)~~ Each regulatory agency, ~~commission or department body~~ of the executive branch, or any agency of the state of Alabama shall be responsible for notifying citizens affected by this chapter of the requirements of this provision section.

"§36-25-17.

"(a) Every governmental agency head shall within 10 days file reports with the commission on any matters that come to his or her attention in his or her official capacity which ~~may constitute~~ constitute a violation of this chapter.

"(b) Governmental agency heads shall cooperate in every possible manner in connection with any investigation or hearing, public or private, which may be conducted by the commission.

~~"(c) The commission shall prepare and publish, prior to the implementation of this chapter, procedures for review or appeal of any action taken against or in regard to any person covered in this chapter.~~

"§36-25-18.

~~"(a) Every person employed or retained as a lobbyist shall register by filing a form prescribed by the commission within five days after the first undertaking requiring registration.~~

~~"(b) The registration shall be written, verified and shall contain, but not be limited to, the following information:~~

~~"(1) The registrant's full name and address;~~

~~"(2) The registrant's normal business and business address;~~

~~"(3) The full name and address of the registrant's principal(s);~~

~~"(4) A listing of the categories of subject matters on which the registrant is to communicate directly with a member of the legislative or executive branch to influence legislation or executive action;~~

~~"(5) If a registrant's activities are done on behalf of the members of a group other than a corporation, the registration form shall include a categorical disclosure of the number of members of the group as follows: one through five; six through 10; 11 through 25; over 25;~~

~~"(6) A statement signed by the principal(s) that he has or they have read the registration, know its contents and has or have authorized the registrant to be a lobbyist in his or their behalf as specified therein and that no compensation will be paid to the registrant contingent upon passage or defeat of such measure(s).~~

~~"(c) A registrant shall file a supplemental registration indicating any substantial change in the information contained in the prior registration within 10 days after the date of the change.~~

"(a) Every lobbyist shall register by filing a form prescribed by the commission no later than January 31 of each year or within 10 days after the first undertaking requiring such registration. Each lobbyist, except public employees who are lobbyists, shall pay an annual fee of one hundred dollars (\$100) on or before January 31 of each year or within 10 days of the first undertaking requiring such registration.

"(b) The registration shall be in writing and shall contain the following information:

"(1) The registrant's full name and business address.

"(2) The registrant's normal business and address.

"(3) The full name and address of the registrant's principal or principals.

"(4) The listing of the categories of subject matters on which the registrant is to communicate directly with a member of the legislative body to influence legislation or legislative action.

"(5) If a registrant's activity is done on behalf of the members of a group other than a corporation, a categorical disclosure of the number of persons of the group as follows: 1-5; 6-10; 11-25; over 25.

"(6) A statement signed by each principal that he or she has read the registration, knows its contents and has authorized the registrant to be a lobbyist in his or her behalf as specified therein, and that no compensation will be paid to the registrant contingent upon passage or defeat of any legislative measure.

"(c) A registrant shall file a supplemental registration indicating any substantial change or changes in the information contained in the prior registration within 10 days after the date of the change.

"§36-25-19.

"(a) Every person registered under as a lobbyist pursuant to section 36-25-18 and every principal employing such any lobbyist shall file with the commission a sworn statement concerning the report provided by the commission pertaining to the activities set out in said that section. The report must shall be filed with the commission no later than January 31, April 30, July 31, and October 31 for each preceding calendar quarter, between the first and fifteenth day of each month succeeding a month in which the legislature is in session covering the activities during the previous month. The report shall be written, verified and contain, but not be limited to, the following information:

"(1) All amounts received or expended directly or indirectly for the purpose of carrying on lobbying activities in the following categories: Less than \$1,000.00; \$1,000.00 through \$3,000.00; more than \$3,000.00; but need not include amounts received by such lobbyist for his personal living expenses nor amounts received which are reportable as income to him for federal tax purposes unless his contract of employment provides that amounts received for such expenses or as such income may or shall be used for carrying on lobbying activities;

"(2) A detailed statement of any money loaned or promised to legislators or to anyone on their behalf;

"(3) A statement detailing the extent of any direct business association or partnership with any current member of the legislature or public official or employee;

"(4) A list of legislation by category supported or opposed by the registrant, by any person retained or employed by the registrant to appear on his behalf, or by any other person appearing on his behalf.

"(1) The cost of those items excluded from the definition of a thing of value which are described in Section 36-25-1(30)b. and which are expended within a 24-hour period on a public official, public employee, and members of his or her respective household in excess of two hundred fifty dollars (\$250) with the name or names of the recipient or recipients and the date of the expenditure.

"(2) The nature and date of any financial transaction between the public official, candidate, or member of the household of such public official or candidate

and the lobbyist or principal of a value in excess of five hundred dollars (\$500) in the prior quarter.

"(3) A detailed statement showing the exact amount of any loan given or promised to a public official, candidate, public official or candidate.

"(4) A detailed statement showing any direct business association or partnership with any public official, candidate, or members of the household of such public official or candidate.

"(b) Any person not otherwise deemed a lobbyist pursuant to this chapter who negotiates or attempts to negotiate a contract, sells or attempts to sell goods or services, engages or attempts to engage in a financial transaction with a public official or public employee in their official capacity and who within a calendar day expends in excess of two hundred fifty dollars (\$250) on such public employee, public official, and his or her respective household shall file a detailed quarterly report of the expenditure with the commission.

"§36-25-20.

"(a) A person who ceases to engage in activities requiring ~~him to register under~~ registration pursuant to section 36-25-18 shall file a written, verified statement with the commission acknowledging the termination of activities. The notice is ~~shall be~~ effective immediately.

"(b) A person who files a notice of termination ~~under~~ pursuant to this section ~~must~~ shall file the reports required ~~under~~ pursuant to sections 36-25-18 and 36-25-19 for any reporting period during which he or she was registered ~~under~~ pursuant to this chapter.

"§36-25-21.

"All reports filed ~~under~~ pursuant to sections 36-25-18, ~~36-25-19 and to~~ 36-25-20, inclusive, are public records and shall be made available for public inspection during regular business hours.

"§36-25-22.

"~~The provisions of sections~~ Sections 36-25-18 through to 36-25-21, inclusive, shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation, executive action, rules, or regulations, where ~~such those~~ professional ~~service is~~ services are not otherwise connected with legislative, executive, or regulatory action.

"§36-25-23.

"(a) No former member of the house of representatives or the senate of the state of Alabama shall be extended floor privileges of either body in a lobbying capacity.

"(b) No public official, public employee, or group of public officials or public employees shall solicit any lobbyist to give any thing whether or not the thing solicited is a thing of value to any person or entity for any purpose other than a campaign contribution.

"(c) No principal or lobbyist shall accept compensation for, or enter into a contract to provide lobbying services which is contingent upon the passage or defeat of any legislative action.

"§36-25-24.

"Any citizen wishing to file a complaint against any public official or employee covered by this chapter shall initially file said complaint with the commission. If the commission does not take proper action within 45 days, then the said citizen may file the said complaint with the attorney general or other officers authorized to enforce this chapter.

"(a) A supervisor shall not discharge, demote, transfer, or otherwise discriminate against a public employee regarding such employee's compensation, terms, conditions, or privileges of employment based on the employee's reporting a violation, or what he or she believes in good faith to be a violation, of this chapter or giving truthful statements or truthful testimony concerning an alleged ethics violation.

"(b) Nothing in this chapter shall be construed in any manner to prevent or prohibit or otherwise limit a supervisor from disciplining, discharging, transferring, or otherwise affecting the terms and conditions of a public employee's employment so long as the disciplinary action does not result from or is in no other manner connected with the public employee's filing a complaint with the commission, giving truthful statements, and truthfully testifying.

"(c) No public employee shall file a complaint or otherwise initiate action against a public official or other public employee without a good faith basis for believing the complaint to be true and accurate.

"(d) A supervisor who is alleged to have violated this section shall be subject to civil action in the circuit courts of this state pursuant to the Alabama Rules of Civil Procedure as promulgated by the Alabama Supreme Court.

"(e) A public employee who without a good faith belief in the truthfulness and accuracy of a complaint filed against a supervisor, shall be subject to a civil action in the circuit courts in the State of Alabama pursuant to the Alabama Rules of Civil Procedure as promulgated by the Supreme Court. Additionally, a public employee who without a good faith belief in the truthfulness and accuracy of a

complaint as filed against a supervisor shall be subject to appropriate and applicable personnel action.

"(f) Nothing in this section shall be construed to allow a public employee to file a complaint to prevent, mitigate, lessen, or otherwise to extinguish existing or anticipated personnel action by a supervisor. A public employee who willfully files such a complaint against a supervisor shall, upon conviction, be guilty of the crime of false reporting.

"§36-25-26.

"No person, for the purpose of influencing legislation, may do either of the following:

"(1) Knowingly or willfully make any false statement or misrepresentation of the facts to a member of the legislative or executive branch; or,

"(2) Knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative or executive branch without notifying such the member in writing of the truth.

"§36-25-27.

"(a)(1) Any Except as otherwise provided, any person subject to this chapter who knowingly or willfully intentionally violates any provisions provision of this chapter other than the requirements of financial and lobbying disclosure those for which a separate penalty is provided for in this section shall, upon conviction, be found guilty of a Class B felony, and shall be fined not more than \$10,000.00 or less than \$2,000.00, or shall be imprisoned for not more than 10 years but not less than two years or any combination thereof.

"(2) Any person subject to this chapter who violates any provision of this chapter other than those for which a separate penalty is provided for in this section shall, upon conviction, be guilty of a Class A misdemeanor.

"(2) (3) Any person subject to this chapter who knowingly or willfully violates any disclosure requirement of this chapter shall, upon conviction, be found guilty of a Class A misdemeanor, and shall be punished by a fine of \$10.00 a day for each day the appropriate disclosure statement is delinquent or the proper information is unreported, not to exceed \$1,000.00 annually.

"(b) All prosecutions for violations of the provisions of this chapter shall be initiated and prosecuted by the attorney general of the state or by the district attorney having jurisdiction of the offense.

"(c) The penalties prescribed in this chapter do not limit the power of either house of the legislature to discipline its own members or to impeach public officials and do not limit the powers of agencies or commissions to discipline their respective officials or employees.

"(d) The circuit courts of this state shall have jurisdiction of all cases and actions relative to violations or the enforcement of this chapter, and the venue of any action under this chapter shall be in the county of the residence of the defendant.

"(4) Any person who knowingly makes or transmits a false report or complaint pursuant to this chapter shall, upon conviction, be guilty of a Class A misdemeanor and shall be liable for the actual legal expenses incurred by the respondent against whom the false report or complaint was filed.

"(5) Any person who makes false statements to an employee of the commission or to the commission itself pursuant to this chapter without reason to believe the accuracy of the statements shall, upon conviction, be guilty of a Class A misdemeanor.

"(6) Any person subject to this chapter who intentionally violates this chapter relating to secrecy shall, upon conviction, be guilty of a Class A misdemeanor.

"(7) Any person subject to this chapter who intentionally fails to disclose information required by this chapter shall, upon conviction, be guilty of a Class A misdemeanor.

"(b) The commission if petitioned or agreed to by a respondent and the Attorney General or district attorney having jurisdiction, by unanimous vote of the members present may administratively resolve a complaint filed pursuant to this chapter for minor violations. The commission may levy an administrative penalty not to exceed one thousand dollars (\$1,000) for any minor violation of this chapter including, but not limited to, the failure to timely file a complete and correct Statement of Economic Interests. The commission shall, in addition to any administrative penalty, order restitution in the amount of any economic loss to the state, county, and municipal governments and their instrumentalities and such restitution shall when collected be paid by the commission, to the entity having the economic loss. In any case in which an administrative penalty is imposed, the administrative penalty shall not be less than three times the amount of any economic loss to the state, county, and municipal governments or their instrumentalities or any economic gain or benefit to the public official or public employee, or which ever sum is greater. The commission, through its attorney, shall institute proceedings to recover any penalties or restitution or other such funds so ordered pursuant to this section which are not paid by, or on behalf of the public official or public employee or other person who has violated this chapter. Nothing in this section shall be deemed in any manner to prohibit the commission and the respondent from entering into a consent decree settling a complaint which has previously been designated by the commission for administrative resolution, so long as the consent decree is approved by the commission. If the commission, the respondent, and the Attorney General or district attorney having jurisdiction, all concur that a complaint is deemed to be handled administratively, the action shall preclude any criminal prosecution pursuant to this chapter at the state, county, or municipal level.

"(c) The enforcement of this chapter shall be vested in the commission; provide however, nothing in this chapter shall be deemed to limit or otherwise prohibit the Attorney General or the District Attorney for the appropriate jurisdiction from enforcing any provision of this chapter as they deem appropriate. In the event the commission, by majority vote, finds that any provision of this chapter has been violated, the alleged violation and any investigation conducted by the commission shall be referred to the district attorney of the appropriate jurisdiction or the Attorney General. The commission shall provide any and all appropriate assistance to such district attorney or Attorney General. Upon the request of such district attorney or the Attorney General, the commission may institute, prosecute, or take such other appropriate legal action regarding such violations, proceeding therein with all rights, privileges, and powers conferred by law upon assistant attorneys general.

"(d) Nothing in this chapter limits the power of the state to punish any person for any conduct which otherwise constitutes a crime by statute or at common law.

"(e) The penalties prescribed in this chapter do not in any manner limit the power of a legislative body to discipline its own members or to impeach public officials and do not limit the powers of agencies, department boards, or commissions to discipline their respective officials, members, or employees.

"(f) Each circuit court of this state shall have jurisdiction of all cases and actions relative to judicial review, violations, or the enforcement of this chapter, and the venue of any action pursuant to this chapter shall be in the county in which the alleged violation occurred, or in those cases where the violation or violations occurred outside the State of Alabama, in Montgomery County. In the case of judicial review of any administrative decision of the commission, the commission's order, rule, or decision shall be taken as prima facie just and reasonable and the court shall not substitute its judgment for that of the commission as to the weight of the evidence on questions of fact except where otherwise authorized by law.

"(g) Any felony prosecution brought pursuant to this chapter shall be commenced within three years after the commission of the offense.

~~"(e) (h) Nothing in Any misdemeanor prosecution brought pursuant to this chapter is intended to nor is to shall be construed as repealing in any way the provisions of any of the criminal laws of this state commenced within two years after the commission of the offense.~~

"(i) Nothing in this chapter is intended to nor is to be construed as repealing in any way the provisions of any of the criminal laws of this state.

"§36-25-28.

"Nothing in the provisions of this chapter shall be construed as to deprive any citizen, not lobbying, ~~for hire of his~~ the citizen's constitutional right to communicate with members of the legislature.

"§36-25-29.

~~"The legislature shall appropriate such sums as it deems necessary to implement the provisions of~~

"The legislature shall appropriate such sums as it deems necessary to implement the provisions of and administer this chapter.

"§36-25-30.

~~"This chapter shall be construed in pari materia with other laws dealing with the subject matter hereof of ethics, and repeals all laws and parts of laws in conflict herewith."~~

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. Section 36-25-25, Code of Alabama 1975, is repealed.

Section 4. This act, upon its passage and approval by the Governor, or upon its otherwise becoming a law, shall become effective on October 1, 1995. Notwithstanding the foregoing, the language amending Section 36-25-13 shall become operative one year after the passage and approval by the Governor of this act, or upon its otherwise becoming a law.

Section 5. Nothing in this act shall be applied retroactively after the passage and approval by the Governor of this act, or upon its otherwise becoming law, as to any action or inaction which occurred before the effective date of this act.

On page 10, after line 8, insert the following language:

6. A person whose primary duties or responsibilities do not include lobbying, but who may, from time to time, organize social events for members of a legislative body to meet and confer with members of professional organizations and who may have only irregular contacts with members of a legislative body when the body is not in session or when the body is in recess.

On page 42, line 5, after the language "any person" insert the following language: who participates in the negotiation or approval of contracts, grants, or awards or any person

On page 42, line 5, after the language approves contracts, insert: grants, or awards

On page 42, line 6, after the language "a contract" insert the following: grant, or award

Amend House Bill 135 on page 42, line 15 after "or individual." by inserting the following:

"(e) No former public official or public employee of the state may, within two years after termination of office or employment, act as attorney for any person other than himself or herself or the state, or aid, counsel, advise, consult or assist in representing any other person, in connection with any judicial proceeding or other matter in which the state is a party or has a direct and substantial interest and in which the former public official or public employee participated personally and substantially as a public official or employee or which was within or under the public official or public employee's official responsibility as an official or employee. This prohibition shall extend to all judicial proceedings or other matters in which the state is a party or has a direct and substantial interest, whether arising during or subsequent to the public official or public employee's term of office or employment."

Amend House Bill No. 135, on Page 18, Line 7, as follows: after the word "official," by striking the following language: ~~(2) a public employee; (3) a candidate; (4)~~ and inserting in lieu thereof as follows: (2) a candidate; (3)

Further amend H. 135, page 18, line 8, after the language "principal; or" by striking (5) and inserting in lieu thereof (4).

On page 28, line 20, delete the word "first" and insert in lieu thereof: :(1)

On page 28, line 23, after the word "charges" insert: and (2) the director shall conduct a preliminary inquiry in order to make an initial determination that reasonable cause exists to conduct an investigation. If the director determines reasonable cause does not exist, the charges shall be dismissed.

On page 67, line 12, delete the language "three years" and insert in lieu thereof: four years

On page 67, line 17, delete the language "two" and insert in lieu thereof: four

On page 42, after line 15, insert the following language:

(e) Nothing in this chapter shall be deemed to limit the right of a public official or public employee to publicly or privately express his or her support for or to encourage others to support and contribute to any candidate, political committee as defined in Section 17-22A-2, referendum, ballot question, issue, or constitutional amendment.

On page 58, line 13, after the word "quarter" by adding the following: , excluding those financial transactions which are required to be reported by candidates under the Fair Campaign Practices Act as provided in Chapter 22A (commencing with Section 17-22A-1) of Title 17 of the Code of Alabama 1975

On page 58, line 20, after the word "candidate" add the following: ;provided, however, that campaign expenditures shall not be deemed a business association or partnership

On page 28, line 20, delete the word "first" and insert in lieu thereof: ;(1)

On page 28, line 23, after the word "charges" insert: and (2) the director shall conduct a preliminary inquiry in order to make an initial determination that reasonable cause exists to conduct an investigation. If the director determines reasonable cause does not exist, the charges shall be dismissed, but such action must be reported to the commission.

On page 7, line 5, after the period, insert the following language: Notwithstanding the foregoing, all employees, including contract employees, of hospitals or other health care corporations and authorities are exempt from the provisions of this chapter.

On page 11, line 9, after the word "authorities" insert the following language: , but excluding employees of hospitals or other health care corporations including contract employees of those hospitals or other health care corporations,

On page 8, Line 26, after the language "dollars (\$100)" insert the following language: for a thing of value

On page 20, line 22, after "director" insert: , members of the commission,

On page 20, line 24, after "political activity" insert: , including the making of campaign contributions,

On page 25, lines 4 to 6, inclusive, delete the following language: , or upon a complaint by the commission brought upon its own initiative by unanimous written consent of the commission members.

On page 28, lines 23 to 26, inclusive, delete the following language: If a complaint is initiated by the commission, the complaint shall contain the charges against a respondent, and factual allegations which support those charges.

On page 29, line 1, after the period, insert the following language: The commission is prohibited from initiating a complaint on its own volition.

On page 31, line 26, delete the language "be presumed to"

On page 32, line 7, after the language "officer" delete the comma and insert in lieu thereof: or

On page 32, line 7, delete the language ", or agent"

On page 44, line 24, after the period insert the following language: Notwithstanding the provisions of subsection (a) or any other provision of this act, no coach of an athletic team of any four-year institution of higher education which receives state funds shall be required to include any income, donations, gifts, or benefits, other than salary, on the Statement of Economic Interests, if the income, donations, gifts, or benefits are a condition of the employment contract.

On page 59, after line 3, insert the following:

"(c) Any other provision of this chapter to the contrary notwithstanding, no organization whose officer or employee serves as a public official under this chapter shall be required to report expenditures or reimbursement paid to such officer or employee in the performance of the duties with the organization.

On page 4, line 16, delete the language "Ten thousand dollars (\$10,000)" and insert in lieu thereof: Twenty-five thousand dollars (\$25,000)

On page 4, line 22, after the word "office" insert the following language: ,excluding legislative office,

On page 4, after line 23, insert the following language:

"3. Ten thousand dollars (\$10,000) or more, with a view toward bringing about nomination or election to the Alabama Senate and five thousand dollars (\$5,000) or more, with a view toward bringing about nomination or election to the Alabama House of Representatives.

On page 4, line 24, delete the language "3." and insert in lieu thereof: "4."

On page 31, line 12, after the language "by law" delete "or as provided" and insert in lieu thereof a period.

Also on page 31, delete lines 13 and 14 in their entirety.

On page 31, line 12, after the language "provided by law" insert the following: or as provided pursuant to a lawful employment agreement regulated by agency policy

Insert at page 28, line 23, after the word "charges", the following language: The commission shall be entitled to authorize an investigation upon a unanimous written consent of all five (5) commission members, upon an express finding that probable cause exists that a violation or violations of this chapter have occurred.

Insert at page 28, line 26, after the word "charges", the following: A complaint may be initiated by the unanimous vote of the commission, provided, however, that the commission shall not conduct the hearing, but rather the hearing shall be conducted by three (3) active or retired judges, who shall be appointed by the Chief Justice of the Alabama Supreme Court, at least one of whom shall be

black. The three (3) judge panel shall conduct the hearing in accordance with the procedures contained in this chapter and in accordance with the rules and regulations of the commission. If the three (3) judge panel unanimously finds that a person covered by this chapter has violated it, the three (3) judge panel shall forward the case to the district attorney for the jurisdiction in which the alleged acts occurred or to the attorney general.

At page 5, line 1 insert the following as a new subsection and renumber the remaining subsections:

Complaint - written allegation or allegations that a violation of this chapter has occurred.

At page 11, line 5, insert the following as a new subsection and renumber the remaining subsections:

Probable Cause - a finding that the allegations are more likely than not to have occurred.

At page 14 line 9 after the word "provider" insert the following: Provided that the reporting requirement contained in this section shall not apply where the expenditures are made to or on behalf of an organization to which a federal income tax deduction is permitted under subparagraph (A) or paragraph (1) of subsection (b) of section 170 of the Internal Revenue Code of 1986, as amended, or any charitable, education or eleemosynary cause of Section 501 of Title 26 of the U.S. Code, and where the public official or public employee does not receive any direct financial benefit.

Amend H. 135, at page 67, line 17, delete the language "Four" and insert in lieu thereof: "Two"

Amend H. 135, at page 29, line 1, delete the following language: The Commission is prohibited from initiating a complaint on its own volition.

Amend H. 135, at page 22, line 26, delete the language "Section" and insert in lieu thereof: "Chapter"

Amend H. 135, ~~at page 42 after line 15 change the lettering of the subsection from "(e)" to "(f)"~~

On the first Hale Amendment to H. 135, as substituted, reletter the subsection from "(e)" to "(f)"

**SUBSTITUTE MOTION TO NON-CONCUR AND REQUEST
COMMITTEE ON CONFERENCE BE APPOINTED TABLED**

On motion of Representative Hammett, the substitute motion offered by Representative Perdue that the House non-concur in the Senate amendment to the bill, H. 135, and request the Speaker appoint a Committee on Conference on the disagreement of the two Houses was tabled.

Yeas 63; Nays 39.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Johnson (E), Johnson (R), Kennedy, Knight (A), Layson, Letson, Lindsey, Maull, McDaniel, McMillan, Melton, Millican, Morrow, Morton, Murphree, Papucci, Parker (T), Payne, Penry, Pringle, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Wren.

-63

Nay:

Representatives Bandy, Black (L), Burke, Buskey, Clouse, Curry, Drake, Flowers, Graham, Hall (A), Haney, Hayden, Hilliard, Hooper, Houston, Jackson, Jorgensen, Knight (J), Laird, McAdory, McClammy, McKee, Minnifield, Mitchell, Moore, Morrison, Newton (D), Page, Parker (P), Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Spratt, Starkey, Warren and Willis.

-39

MOTION TO CONCUR ADOPTED

The question was then on the motion offered by Representative Hammett that the House concur in and adopt the Senate amendment to the bill, H. 135, and the motion was adopted.

Yeas 81; Nays 16.

Yea:

Mr. Speaker, Allen, Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Maull,

McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-81

Nay:

Representatives Bandy, Drake, Graham, Haney, Hilliard, Houston, Jackson, Knight (J), McAdory, Minnifield, Mitchell, Newton (D), Parker (P), Perdue, Rogers (J) and Spratt.

-16

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Jackson, Hilliard and Spratt inadvertently voted "Nay" and intended to vote "Yea" on the motion offered by Representative Hammett that the House concur in and adopt the Senate amendment to the bill, H. 135.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion previously offered by Representative Fuller to adopt the Budget Isolation Resolution relating to the bill, H. 597, and the Budget Isolation Resolution was adopted.

Yeas 81; Nays 3.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-81

Nay:

Representatives Holmes, Houston and Johnson (E).

- 3

And the bill:

H. 597. (With Amendments): To authorize Alabama Public School and College Authority to sell and issue one hundred fifty million dollars (\$150,000,000.00) aggregate principal amount of additional bonds for capital improvements for public educational purposes including purchasing, constructing, improving, renovating, and equipping public school buildings; to provide funds to the Alabama Public School and College Authority to be allocated for special and critical needs as determined by the Governor's Task Force on Critical Needs in concert with the superintendents of the local boards of education; to provide funds for a supplementary allocation to those school systems where the findings of the Governor's Task Force on Critical Needs totaled less than the funds each school system would receive through an allocation method based on the average daily membership for the first forty scholastic days of the school year 1994-95; to provide funds to replace pre-1978 school buses routinely used by certain city and county boards of education; to provide funds for public school buildings which have been destroyed by fire or natural disaster; to authorize the Authority to reimburse the Building Commission, Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

was taken up.

SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the bill, H. 597, and to the pending amendments reported by the Standing Committee on Ways and Means:

**A BILL
TO BE ENTITLED
AN ACT**

To authorize Alabama Public School and College Authority to sell and issue one hundred fifty million dollars (\$150,000,000.00) aggregate principal amount of additional bonds for capital improvements for public educational purposes including purchasing, constructing, improving, renovating, and equipping public school buildings; to provide funds to the Alabama Public School and College Authority to be allocated for special and critical needs as determined by the Governor's Task Force on Critical Needs in concert with the superintendents of the local boards of education; to provide funds for a supplementary allocation to those school systems where the findings of the Governor's Task Force on Critical Needs totaled less than the funds each school system would receive through an allocation method based on the average daily membership for the first forty scholastic days of the school year 1994-95; to provide funds to replace pre-1978 school buses routinely used by certain city and county boards of education; to provide funds for public school buildings which have been destroyed by fire or natural disaster; to provide funds for special and critical needs as determined by the Alabama Public School and College Authority; to provide for the reallocation of any unexpended funds after a specified period of time; to authorize the Authority to reimburse the Building Commission, Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants

issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions. Wherever used in this Act, the following terms shall have the following meaning respectively, unless the context clearly indicates otherwise:

"1965 Act" means Act No. 243 enacted at the 1965 First Special Session of the Legislature, codified as Title 16, Chapter 16, Code of Alabama 1975.

"1971 Acts" means Act No. 94 enacted at the 1971 First Special Session of the Legislature, Act No. 2428 enacted at the 1971 Regular Session of the Legislature, and Act No. 56 enacted at the 1971 Second Special Session of the Legislature.

"1973 Act" means Act No. 1277 enacted at the 1973 Regular Session of the Legislature as amended by Act No. 73 enacted at the 1975 Third Special Session of the Legislature and Act No. 1223 enacted at the 1975 Regular Session of the Legislature.

"1978 Act" means Act No. 138 enacted at the 1978 Second Special Session of the Legislature, as amended by Act No. 79-41 enacted at the 1979 Regular Session of the Legislature and Act No. 81-827 enacted at the 1981 Regular Session of the Legislature.

"1985 Act" means Act No. 943 enacted at the 1985 Second Special Session of the Legislature.

"1990 Act" means Act No. 280 enacted at the 1990 Regular Session of the Legislature.

"Authority" means Alabama Public School and College Authority.

"Bonds" (except where that word is used with reference to bonds issued under another act) means those bonds, other than refunding bonds, issued under the provisions of this Act.

"Capital Improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, physical education facilities, research facilities, related campus improvements and land as sites therefor, together with equipment therefor, and school buses. The term "Capital Improvements" does not include textbooks, office supplies, or school supplies used by the educational entities referred to in Section 2 of this Act, or any of their personnel or students.

"Commission" means the building commission created by section 41-9-140 and its successors as the state agency for awarding construction contracts and supervising construction.

"Government Securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency to the extent such obligations are unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in such obligations of, or unconditionally guaranteed by, the United States of America or in specified portions thereof (which may consist of the principal thereof or the interest thereon).

"Legislature" means the Legislature of Alabama.

"Permitted Investments" means (i) Government Securities; (ii) bonds, debentures, notes or other evidences of indebtedness issued by any of the following agencies: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Financing Bank; Federal Home Loan Banks; Federal Farm Credit Bank; Export-Import Bank of the United States; Federal Land Banks, or Farmers Home Administration or any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof; (iii) bonds, notes, pass through securities or other evidences of indebtedness of Government National Mortgage Association and participation certificates of Federal Home Loan Mortgage Corporation; (iv) full faith and credit obligations of any state, provided that at the time of purchase such obligations are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors service; (v) public housing bonds issued by public agencies or municipalities and fully secured as to the payment of both principal and interest by contracts with the United States of America, or temporary notes, preliminary notes or project notes issued by public agencies or municipalities, in each case fully secured as to the payment of both principal and interest by a requisition or payment agreement with the United States of America; (vi) time deposits evidenced by certificates of deposit issued by banks or savings and loan associations which are members of the Federal Deposit Insurance Corporation, provided that, to the extent such time deposits are not covered by federal deposit insurance, such time deposits (including interest thereon) are fully secured by a pledge of obligations described in clauses (i), (ii), (iii), and (v) above, which at all times have a market value not less than the amount of such bank time deposits required to be so secured and which meet the greater of 100% collateralization or the "AA" collateral levels established by Standard & Poor's Corporation for structured financings, (vii) repurchase agreements for obligations of the type specified in clauses (i), (ii), (iii), and (v) above, provided such repurchase agreements are fully collateralized and secured by such obligations which have a market value at least equal to the purchase price of such repurchase agreements which are held by a depository satisfactory to the State Treasurer in such manner as may be required to provide a perfected security interest in such obligations, and which meet the greater of 100% collateralization or the "AA" collateral levels

established by Standards & Poor's Corporation for structured financings; and (viii) uncollateralized investment agreements with, or certificates of deposit issued by, banks or bank holding companies, the senior long-term securities of which are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors Service.

"Refunding Bonds" means those refunding bonds issued under the provisions of this Act.

"State" means the State of Alabama.

Nouns and pronouns when used in this Act shall be deemed to include both singular and plural and all applicable genders.

SECTION 2. Authorization to Issue Additional Bonds and Purposes Thereof. The Authority is hereby authorized to sell and issue its Bonds in the aggregate principal amounts of one hundred fifty million dollars (\$150,000,000.00) for the purpose of purchasing, constructing, improving, renovating, and equipping public elementary/secondary school facilities, and including the cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections therefor. The Bonds authorized in this Act to be issued by the Authority shall be in addition to all other bonds previously authorized to be issued by it, and the powers conferred on the Authority by this Act are in addition to all other powers heretofore conferred on the Authority by acts heretofore enacted by the Legislature.

SECTION 3. Execution and Other Details of the Bonds. The Bonds shall be signed by the president or vice-president of the Authority, and the seal of the corporation shall be affixed thereto (or a facsimile thereof imprinted thereon) and attested by its secretary. All signatures of the president, vice-president, and secretary may be facsimile signatures if the Authority, in its proceedings with respect to issuance, provides for manual authentication (which may be in the form of a certificate as to registration) of the Bonds by a trustee, registrar or paying agent or by named individuals who are employees of the State and who are assigned to the Finance Department or State Treasurer's Office of the State. All Bonds bearing signatures or facsimiles of the signatures of officers of the Authority in office on the date of signing thereof shall be valid and binding notwithstanding that before the delivery thereof and payment therefor, any officer whose signature appears thereon shall have ceased to be an officer of the Authority. The Bonds and the income therefrom shall be exempt from all taxation in the State, may be used as security for deposits, and shall be eligible for investments of fiduciary funds, as provided in the 1965 Act. The Bonds shall be construed to have all the qualities and incidents of negotiable instruments subject to any registration provisions pertaining to transfers. The Authority and the Bonds shall be exempt from all laws of the State governing usury including, without limitation, the provisions of Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import. The Bonds shall be in such form or forms and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of

interest payable and evidenced in such manner, may be made subject to redemption prior to their maturities, and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the Authority under which the Bonds may be issued; provided, that no Bonds shall have a specified maturity date later than twenty years after their date; and provided further, that those Bonds having maturities more than ten years after their date shall be subject to redemption at the option of the Authority on any interest payment date on and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued. For the purpose of paying the principal of, premium, if any, and interest on the Bonds or any Refunding Bonds, the Authority shall designate the State Treasurer or such bank or banks with its principal office within the State as it, in its discretion, determines to be appropriate and desirable. Funds for the payment of debt service shall be transferred by the Authority or the State Treasurer on behalf of the Authority to the designated paying agent on the actual due date of such principal, premium, if any, or interest.

SECTION 4. Sale of the Bonds. The Bonds may be sold by the Authority from time to time in series, and if sold in more than one series, may all be authorized in one initial resolution of the Authority with the pledges therefor made by the Authority in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. The Authority, in the course of establishing, by resolution, a principal amount of Bonds to be authorized for sale at any given time, or to be sold in any series, may take into account the existence of any unexpended proceeds or prior issues of bonds of the Authority (and of any other issuer, if such should be deemed by the Authority to be relevant), and may structure the portions of the allocations (provided for in Section 8 of this Act) to be distributed from the proceeds of a particular series (constituting less than all the Bonds authorized by this Act) as the Authority deems necessary or prudent in order to enable the Authority to comply with any tax covenants that may be required of it, or that may be deemed by it to be prudent to be given by it, in connection with sale of any series of the Bonds. Each series of the Bonds shall be sold at competitive bid and at such price or prices and at such time or times as the Authority may consider advantageous. Bonds sold by competitive bid must be sold, whether on sealed bids or at public auction, to the bidder whose bid reflects the lowest effective borrowing cost to the Authority on the series of the Bonds being sold; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice or summary notice of each such sale by competitive bids shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State which is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale or, in the event no bid acceptable to the Authority is received at any such sale and the Bonds so offered are thereafter reoffered on the same terms and conditions, not less than five days prior to the date fixed for sale. The Authority may fix the terms and conditions under which the sale of any series of the Bonds may be held; provided, that the terms and

conditions shall not conflict with any requirements of this Act. Approval by the Governor of Alabama of the terms and conditions under which any Bonds may be issued shall be requisite to their validity. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the Bonds.

SECTION 5. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing for payment of the principal of, premium, if any, and interest on the Bonds and to accomplish the objects of this Act, there is hereby irrevocably pledged to those purposes, and hereby appropriated, the amount that may be necessary for those purposes from the following sources:

(a) The residue of the receipts from the excise tax ("the utility gross receipts tax") levied by Title 40, Chapter 21, Article 3, Code of Alabama 1975, as amended ("Article 3"), remaining after payment of the expenses of administration and enforcement of Article 3, being that portion of the tax that is required by Article 3 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein;

(b) The residue of the receipt from the excise tax ("the utility service use tax") levied by Title 40, Chapter 21, Article 4, Code of Alabama 1975 ("Article 4"), remaining after payment of the expenses of administration and enforcement of Article 4, being that portion of the tax that is required by Article 4 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein;

(c) The residue of the receipts from the license tax ("the lease tax") levied on those engaging in the business of leasing or renting tangible personal property levied by Title 40, Chapter 12, Article 4, Code of Alabama 1975 ("Chapter 12, Article 4"), remaining after payment of the expenses of administration and enforcement of Chapter 12, Article 4, being that portion of the tax that is required by Chapter 12, Article 4 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein;

(d) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), and (c) of this Section may not be sufficient to pay at their respective maturities the principal of, premium, if any, and interest on the Bonds, the residue of the receipts from the excise tax ("the sales tax") levied by Title 40, Chapter 23, Article 1, Division 1, Code of Alabama 1975, as amended ("Article 1"), after there shall have been taken from the residue the amounts appropriated for other educational purposes in Section 40-23-35, Code of Alabama 1975 (which residue constitutes that portion of the receipts from the sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the residue amounts sufficient to meet all prior charges on the residue including such amounts as may be necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein; and

(e) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), (c), and (d) of this Section may not be sufficient to pay at their respective maturities the principal of, premium, if any, and the interest on the Bonds, the residue of the receipts from the excise tax ("the use tax") levied by Title 40, Chapter 23, Article 2, Code of Alabama 1975, as amended ("Article 2"), after there shall have been taken from the residue the amount necessary to meet the expenses of the State Department of Revenue in collecting the use tax (which residue constitutes that portion of the receipts from the use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the residue such amounts as may be necessary to meet all prior charges on the use tax including the amounts sufficient to pay at their respective maturities the principal of and interest on those outstanding bonds referred to in subsection (d) of this Section.

All monies hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of, premium, if any, and interest on the Bonds. The State Treasurer is authorized and directed to pay at their respective maturities the principal of, premium, if any, and interest on the Bonds out of this fund and out of the residues of the tax receipts herein appropriated and pledged for the benefit of the Bonds, and he or she is authorized and directed to set up and maintain appropriate records pertaining thereto.

SECTION 6. Bonds to be Payable Solely out of the Revenues Appropriated; Authorization for Authority to Pledge Such Revenues for the Bonds. The Bonds shall not be general obligations of the Authority but shall be limited obligations payable solely out of the residues of the tax receipts appropriated and pledged in Section 5 of this Act. All Bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the State. As security for the payment of the principal of, premium, if any, and interest on the Bonds, the Authority is hereby authorized and empowered to pledge the residues of the tax

receipts that are appropriated and pledged in Section 5 hereof for such purposes. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing the pledges. All such pledges shall be prior and superior to any pledges that may be made for any refunding bonds hereafter issued by the Authority under the provisions of any of the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act, or any other act heretofore enacted.

SECTION 7. Refunding Bonds. For the purpose of refunding any Bonds or Refunding Bonds of the Authority issued under the provisions of this Act, the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act or any other act previously enacted, or any combination thereof, whether the refunding shall occur before, at or after the maturity of the bonds refunded and for the purpose of paying all premiums and expenses of the refunding (including, but not limited to, attorneys' fees, costs of printing the Refunding Bonds, fiscal agents' fees, and accountants' fees), the Authority is hereby authorized to sell and issue its Refunding Bonds. Such Refunding Bonds may be sold and issued from time to time, at either public or private sale, and on such other terms and conditions as the Authority shall determine to be advantageous and shall adopt and provide for in its proceedings for the sale and issuance of such Refunding Bonds; provided, however, that no Refunding Bonds shall be issued unless the present value of all debt service on the Refunding Bonds (computed with a discount rate equal to the true interest rate of the Refunding Bonds and taking into account all underwriting discount and other issuance expenses) shall not be greater than 95 percent of the present value of all debt service on the Bonds to be refunded (computed using the same discount rate and taking into account the underwriting discount and other issuance expenses originally applicable to such Bonds) determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as scheduled maturity) provided at the time of their issuance. Provided further that the average maturity of the Refunding Bonds, as measured from the date of issuance of such Refunding Bonds, shall not exceed by more than three years the average maturity of the Bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of Bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by the aggregate principal amount of Bonds for which the average maturity is to be determined. Such Refunding Bonds shall be subrogated and entitled to all priorities, rights and pledges to which the Bonds refunded thereby were entitled. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of, premium, if any, and interest on the Refunding Bonds issued under this Act, the Authority is hereby authorized to pledge irrevocably for such purpose, and there is hereby appropriated for such purpose, such amount as may be necessary of the residues of the receipts from the excise taxes pledged and appropriated in subsections (a), (b), (c), (d), and (e) of Section 5 of this Act, any reserves or sinking funds established by the Authority, as well as revenues of the

Authority from any other sources specified in the proceedings wherein the Refunding Bonds are authorized to be issued. Pending the application of the proceeds of Refunding Bonds issued in accordance with this Section, the proceeds, together with investment earnings therefrom, and amounts in any sinking fund, together with investment earnings thereon, may be held by the State Treasurer as treasurer of the Authority in trust, or may be deposited by the State Treasurer in trust, on such terms as the State Treasurer and the Authority shall approve, with a trustee or escrow agent, which trustee or escrow agent shall be a banking institution or trust company with its principal office in the State authorized to exercise trust powers in Alabama, for investment in Permitted Investments. Proceeds of Refunding Bonds shall be so invested and applied as to assure that the principal, interest, and redemption premium, if any, on the Bonds being refunded shall be paid in full on the respective maturity, redemption, or interest payment dates. Refunding Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely from the sources specified in this Act and in the proceedings where the Refunding Bonds are authorized to be issued. All Refunding Bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create debts of the State of Alabama. The faith and credit of the State of Alabama shall never be pledged for the payment of any Refunding Bonds issued by the Authority under this Act. The Authority may contract with respect to the safekeeping and application of the Refunding Bonds proceeds and other funds included therewith and the income therefrom including the right to appoint a trustee which may be any trust company or state or national bank having powers of a trust company with its principal office within the State. All other provisions of this Act shall apply to the Refunding Bonds issued hereunder except (a) the limitation contained in Section 2 of this Act on the amount of Bonds that may be issued under this Act and (b) the provisions of Section 8 of this Act. All pledges made by this Act or by the Authority pursuant to the provisions of this Act, for the benefit of Refunding Bonds issued under this Act, and all such pledges for the benefit of refunding bonds which may be issued to refund any bonds issued under any of the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act or this Act, shall take precedence in the order of the adoption of the resolutions authorizing the issuance of such refunding bonds whether issued under this Act or under any other act. Bonds refunded prior to their maturity with the proceeds of Refunding Bonds shall be defeased if the Authority, in its proceedings regarding issuance of the Refunding Bonds provides for and establishes a trust or escrow fund comprised of monies or Government Securities, or both, sufficient to pay, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such Government Securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a trust or escrow fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in Section 5 of this Act, shall no longer be obligations of the Authority and shall be secured solely by and payable from monies and Government Securities deposited in such trust or escrow fund.

SECTION 8. Use of Bond Proceeds. The proceeds derived from each sale of the Bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The expenses of issuance of the Bonds shall be prorated among the recipients listed in the Act of the proceeds from the sale of the Bonds in proportions they receive allocations of the proceeds thereunder. The proceeds from the sale of the Bonds remaining after payment of the expenses of issuance thereof shall be retained in the fund and, until they are paid out, shall be invested by the State Treasurer at the direction of the Authority in Permitted Investments which mature at such time or times as the Authority shall direct. Monies in the fund (whether original proceeds from the sale of the Bonds or principal proceeds of matured Permitted Investments) shall be paid out from time to time in orders or warrants issued by or on the direction of the Authority for any one or more of the purposes specified in Section 2 of this Act that may be deemed by the Authority to be most advantageous to the State, and such monies shall be allocated and expended by the Authority, subject to all the provisions of this Act, in the amounts set out as follows:

(a) One hundred twenty-five million dollars (\$125,000,000) for elementary-secondary school systems to be allocated pursuant to the findings of the Governor's Task Force on Critical Needs in concert with the prioritized list of needs provided by the superintendents of the local boards of education. Each superintendent of education from the 127 local boards of education will submit appropriate requests with documentation as established by the Alabama Public School and College Authority. Such documentation will include, but not be limited to, architectural analysis and cost estimates of the critical need to be addressed and funded. The Alabama Public School and College Authority will review the request in concert with the data collected by the Governor's Task Force on Critical Needs and award the funding where appropriate.

(b) Three million five hundred thousand dollars (\$3,500,000) shall be available for a supplementary allocation to those school systems where the findings of the Governor's Task Force on Critical Needs totaled less than the funds each school system would receive through an allocation method based on the average daily membership (ADM) for the first forty scholastic days of the school year 1994-95.

(c) Thirteen million dollars (\$13,000,000) shall be allocated to city and county boards of education as determined by the Authority to replace pre-1978 school buses that are routinely used in transporting students.

(d) Five million dollars (\$5,000,000) shall be allocated to certain city or county boards of education as determined by the Authority for repair and/or replacement of, and equipment for, public school buildings which have been destroyed by fire or natural disaster.

(e) As the Governor's Task Force on Critical Needs was but a survey to determine the approximate amount needed to repair the critical needs of the

schools, three million five hundred thousand dollars (\$3,500,000) shall be allocated for special and critical needs as determined by the Alabama Public School and College Authority.

(f) In expending proceeds from the sale of the Bonds according to the allocations set out in this Section, the Authority may take into account the existence of any unexpended proceeds of prior issues of bonds of the Authority (and of any other issuer, if such should be deemed by the Authority to be relevant), and may establish such procedures and requirements respecting use of unexpended proceeds of such prior issues by any recipient of any allocation thereof as a precondition to allocation to such recipient of proceeds of any of the Bonds, as the Authority deems necessary or prudent in order to enable the Authority to comply with any tax covenants that may have been required of it, or that may have been deemed by it to be prudent to be given by it, in connection with the sale of any series of the Bonds.

(g) Four years following the allocation of the proceeds of the Bonds, as provided herein, the Authority shall review any unexpended proceeds and shall, at its sole discretion, determine if said remaining proceeds shall revert to the Authority for reallocation under Section 8, subparagraph (e) of this Act.

Notwithstanding any of the foregoing and in addition to all powers heretofore granted to the Authority, the Authority is hereby expressly authorized to use the proceeds derived from the sale of bonds in accordance with the provisions of Section 2 of this Act. The preparation of all plans and specifications for any building constructed wholly or in part with any of the money realized from this issue and all work done hereunder in regard to the construction, reconstruction, alteration and improvement of buildings shall be supervised by the Commission, or any agency which may be designated by the legislature as its successor, and the Authority shall reimburse the Commission for its reasonable direct costs in having plans, specifications and contract documents prepared and in supervising and inspecting the work. Additionally the Authority is hereby expressly permitted to pay to the Department of Finance and the State Treasurer's Office from time to time and from any funds available to the Authority, amounts to offset costs incurred in the administration of the business of the Authority. The cost of such compensation shall be prorated among the recipients of any of the bond proceeds in the same manner as the expenses of issuance are prorated in this section.

Since the amount of proceeds needed to meet the needs listed in Section 8, subsection (a) through (f) has been estimated, if such estimates are insufficient, said needs shall be allocated on a prorata basis. Conversely, if there are funds remaining after addressing the needs listed in Section 8, subsection (a) through (f), said remainder shall be distributed based on the average daily membership (ADM) for the first forty scholastic days of the school year 1994-95.

SECTION 9. Maintain Federal Tax Exempt Status. The Authority shall have the power to make such payments to the United States of America as the directors deem necessary to cause the interest on any bonds of the Authority to be and

remain exempt from federal income taxation. The Authority shall have the power to make agreements respecting the investment of funds of the Authority necessary in order that the interest income on bonds of the Authority be and remain exempt from federal income taxation.

SECTION 10. Notwithstanding any provision of this Act or the 1965 Act, in appointing, employing, or contracting with attorneys, fiscal advisers, trustees, paying agents, investment bankers, banks and underwriters, the Authority shall appoint, employ or contract only with firms whose principal offices are located in Alabama.

SECTION 11. Severability. In the event any section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, that action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

SECTION 12. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 92; Nays 2.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-92

Nay:

Representatives Holmes and McAdory.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 135. To amend Sections 36-25-1 to 36-25-24, inclusive, and Sections 36-25-26 to 36-25-30, inclusive, Code of Alabama 1975, relating to the State Ethics Law, to define certain terms and conform existing provisions to those terms; provide for the eligibility of members to serve on the Ethics Commission; provide for a black appointee to the Commission; provide for the appointment and responsibilities of the director of the commission; provide that the commission may investigate complaints on its own initiative under certain circumstances; provide for the issuance of opinions and fees for publication; provide for the filing of a complaint and that all fees collected by the commission shall be deposited into the State General Fund; specify when a campaign contribution may be solicited or accepted by a candidate and provide further for the use of the contribution by the candidate; prohibit a former public official or public employee from serving as a lobbyist or representing a client before the department or board of which he or she is a former member for a period of two years after leaving that membership; increase the compensation threshold of public employees required to file a Statement of Economic Interests from \$25,000 per annum to \$50,000 and expand the monetary categories of listings of income and debt filed on the statement; specifically provide when a candidate is required to file a Statement of Economic Interests and provide that the candidate's name shall be removed from the ballot for failure to file the statement; require detailed registration by lobbyists along with the payment of an annual registration fee; require that quarterly reports be filed by each registered lobbyist; prohibit a public official, public employee, or a group of public officials or public employees from soliciting a lobbyist for anything except a campaign contribution; prohibit a supervisor from discharging or discriminating against an employee based upon the employee's reporting of a violation of the bill; establish the crime of false reporting and increase penalties for violations of the bill; provide that the commission may impose administrative penalties for violations; provide the procedure by which the Attorney General or a district attorney would institute proceedings for violations of the bill; provide further for venue of any action brought pursuant to this bill; make technical, clarifying changes to existing provisions; and repeal Section 36-25-25, Code of Alabama 1975.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Galliher intended to vote "Yea" on the motion offered by Representative Hammett that the House concur in and adopt the Senate amendment to the bill, H. 135.

H. 597 RESUMED

AMENDMENT OFFERED

Representative Turner offered the following amendment to the bill, H. 597, as amended:

Amend House Bill 597 as may be substituted and/or amended on page 22, line 2 after the word "company" by deleting the words "with its".

Further amend House Bill 597 as may be substituted and/or amended on page 22, line 3 by deleting the words "principal office in the State".

Further amend House Bill 597 as may be substituted and/or amended on page 22, line 23, by deleting the words "with its principal office within" and inserting in lieu thereof the words "within or without".

Further amend House Bill 597 as may be substituted and/or amended on page 28, lines 14 through 19 inclusive, by deleting Section 10 in its entirety and renumbering all subsequent sections accordingly.

SUBSTITUTE AMENDMENT OFFERED

Representative Sanderson offered the following substitute amendment to the amendment offered by Representative Turner to the bill, H. 597, as amended:

Amend House Bill 597 as may be substituted and/or amended on page 22, line 2 after the word "company" by deleting the words "with its".

Further amend House Bill 597 as may be substituted and/or amended on page 22, line 3 by deleting the words "principal office in the State".

Further amend House Bill 597 as may be substituted and/or amended on page 22, line 23, by deleting the words "with its principal office within" and inserting in lieu thereof the words "within and/or without".

Further amend House Bill 597 as may be substituted and/or amended on page 28, lines 14 through 19 inclusive, by deleting Section 10 in its entirety and renumbering all subsequent sections accordingly.

MOTION TO TABLE LOST

The motion offered by Representative Turner to table the substitute amendment offered by Representative Sanderson to the amendment offered by Representative Turner to the bill, H. 597, as amended, was lost.

Yeas 45; Nays 53.

Yea:

Mr. Speaker, Allen, Box, Carter, Collins, Curry, Dean, Dolbare, Drake, Dukes, Hall (A), Hamilton, Haney, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Laird, Layson, Letson, Lindsey, Maull, McKee, Melton, Minnifield, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Petelos, Robinson, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Venable, Warren, White and Willis.

-45

Nay:

Representatives Bandy, Black (L), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), McAdory, McClammy, McDaniel, McMillan, Millican, Moore, Morrison, Morrow, Page, Parker (T), Payne, Penry, Perdue, Pringle, Rogers (J), Rogers (M), Sanderson, Thomas (D), Townsend, Vance and Wren.

-53

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 233. To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$9,565,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,350,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically deleting the Unified Judicial System conditional appropriation language; to amend Act 94-486, specifically the appropriation for the Alabama Agriculture Museum Board to clarify the purposes for which the appropriation was made; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation to the Alabama Historical Commission from the Alabama State Historical Preservation Fund in the amount of \$250,000; to provide for a conditional appropriation of an amount up to \$300,000 to the Department of Transportation from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the State General Fund, increasing the appropriation to the Administrative Services Program and increasing the appropriation from the Public Service Commission Fund to the Public Service Commission; to provide for a first priority conditional appropriation of \$2,500,000 to the Department of Human Resources from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically amending the conditional appropriation language under the Department of Human Resources; to provide for restrictions on inter-agency transfers, of any type, of any of the funds appropriated under the provisions of this act; and to provide for an effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House non-concurred in the Senate amendment to the bill, H. 233, and requested the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$9,121,500 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,750,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transportation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$224,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically the Unified Judicial System conditional appropriation language by reducing the amount of the conditional appropriation; to provide a supplemental appropriation to the District Attorneys in the amount of \$25,000 from the State General Fund; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation from the Farmers' Market Authority Fund to the Farmers' Market Authority in the amount of \$50,000; to provide a supplemental appropriation to the Department of Human Resources from the State General Fund in the amount of \$921,500; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the State General Fund; to provide a supplemental appropriation in the amount of \$630,000 from the Public Service

Commission Fund to the Public Service Commission; to appropriate the sum of \$150,000 from the Multiple Needs Children Fund to the Alabama Children's Services Facilitation Team; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the following agencies the following amounts from the State General Fund for the fiscal year ending September 30, 1995:

Department of Corrections.....	5,000,000
Attorney General.....	1,200,000
Ethics Commission.....	150,000
Department of Agriculture and Industries.....	100,000
To be used for the Poultry Diagnostic Laboratory Unified Judicial System.....	1,750,000
Department of Youth Services....	921,500
To be used to continue the funding of Juvenile Probation Officers subsidy program.	

Section 2. The appropriations made in Act No. 94-486 passed in the 1994 Regular Session to the following agencies from the State General Fund are hereby reduced by the following amounts for the fiscal year ending September 30, 1995:

Forestry Commission.....	400,000
Department of Transportation.....	700,000
Alabama Development Office.....	500,000
Department of Conservation.....	300,000
Department of Finance.....	200,000
Farmers' Market Authority- Capital Outlay.....	136,646

Agriculture and Industries.....	100,000
Veterans Affairs.....	72,287
Commission on Aging.....	70,000
Military Department.....	41,500
Emergency Management Agency.....	30,000
Registration of Voters.....	100,000
Election of Voters.....	100,000
Fair Trial Tax Transfer.....	200,000

Section 3. The appropriation made in Act No. 94-486 passed in the 1994 Regular Session to the Department of Corrections, Institutional Services Corrections Program in the amount of \$300,000 is no longer mandated to be expended for boot camp expenditures.

Section 4. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$4,500,000 to the Department of Corrections from Corrections' Miscellaneous Revenues for the fiscal year ending September 30, 1995.

Section 5. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated the sum of \$921,500 from the State General Fund to the Department of Human Resources for the fiscal year ending September 30, 1995.

Section 6. The appropriation made in Act No. 94-486 passed in the 1994 Regular Session to the Department of Aeronautics, Airport Improvement Program is hereby Estimated and can be used only as grants awarded by the Alabama Aeronautics Commission for the general promotion, advancement, education and safety of aeronautics and for the improvement of airports or other aeronautics facilities in the state of Alabama.

Section 7. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Social Work Examiners Fund to the Board of Social Work Examiners the sum of \$15,000 for the fiscal year ending September 30, 1995.

Section 8. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Veterinarian Medical Examiners Fund to the Board of Veterinary Medical Examiners the sum of \$60,000 for the fiscal year ending September 30, 1995.

Section 9. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Alabama Department of Transportation the sum of \$21,604,827 from the Public Road and Bridge Fund, \$20,104,827 of which is to be used for Federal Aid Matching and \$1,500,000 to be used for transfer to the Department of Public Safety for Traffic Law Enforcement for the fiscal year ending September 30, 1995.

Section 10. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Department of Public Safety the amount of \$1,500,000 as a transfer from the Public Road and Bridge Fund and the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995.

Section 11. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$110,000 to the Tennessee Valley Exhibit Commission from the Tennessee Valley Exhibit Commission Fund for the fiscal year ending September 30, 1995.

Section 12. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$300,000 to the Home Builders Licensure Board from the Home Builders Recovery Fund for the fiscal year ending September 30, 1995.

Section 13. The appropriation made in Act No. 93-771 passed in the 1993 Regular Session to the Farmers' Market Authority for Capital Outlay from the State General Fund is hereby reduced by the sum of \$224,362 for the fiscal year ending September 30, 1995.

Section 14. The appropriation made in Act No. 93-771 passed in the 1993 Regular Session to the Alabama Indian Affairs Commission from the State General Fund is hereby reduced by the sum of \$150,000 for the fiscal year ending September 30, 1995.

Section 15. The appropriation made in Act No. 92-621 passed in the 1992 Regular Session to the Farmers' Market Authority for Capital Outlay from the State General Fund is hereby reduced by the sum of \$85,205 for the fiscal year ending September 30, 1995.

Section 16. In addition to all appropriations made heretofore or hereafter, there is hereby appropriated the sum of \$50,000 from the Farmers' Market Authority Fund to the Farmers' Market Authority for the fiscal year ending September 30, 1995.

Section 17. The conditional appropriation language relating to court costs made in Act 94-486 passed in the Regular Session of 1994 to the Unified Judicial System from the State General Fund is hereby amended as follows:

"Of the above appropriation for the Court Operations Program, \$750,000 shall be conditioned upon deposits to the State General Fund from court costs and fines equaling or exceeding \$40,500,000 for the 1994-95 fiscal year. The conditional appropriation of \$750,000 may be released on a quarterly basis if the Director of Finance certifies each quarter that deposits to the State General Fund from court costs and fines are being deposited at the rate necessary to reach \$40,500,000 by September 30, 1995. During any quarter the Director of Finance may, in addition to certifying and releasing funds for that quarter, certify and release funds for any previous quarter for which he did not certify and release funds."

Section 18. In addition to all appropriations heretofore or hereafter made, there is hereby appropriated \$25,000 to the District Attorneys from the State General Fund for use in the District Attorney's Office in the 33rd Circuit.

Section 19. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$35,000 to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund for the fiscal year ending September 30, 1995.

Section 20. The transfer of \$2,000,000 from the Alcoholic Beverage Control Board to the Department of Public Safety made in Act No. 94-486 passed in the 1994 Regular Session is no longer mandated to be transferred. Furthermore, the appropriation to the Department of Public Safety from the ABC transfer is reduced \$2,000,000.

Section 21. The appropriation and transfer language made in Act No. 94-486 passed in the 1994 Regular Session to the Public Service Commission under the "Administrative Services Program" is hereby amended to read as follows:

"The above appropriation includes a transfer to the State General Fund of \$2,130,000."

Section 22. In addition to all other appropriations heretofore or hereafter made, there is also appropriated to the Public Service Commission the sum of \$630,000 from the Public Service Commission Fund for the fiscal year ending September 30, 1995.

Section 23. There is hereby appropriated from the Multiple Needs Children Fund to the Alabama Children's Services Facilitation Team the sum of \$150,000 for the fiscal year ending September 30, 1995.

Section 24. All laws or parts of laws which conflict with this act are hereby repealed.

Section 25. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Amend House bill 233 as last substituted on page 1, line 12 and on page 4, line 1 by striking the figure "\$2,750,433;" and inserting in lieu thereof the figure "\$2,950,433;".

Amend House bill 233 as substituted on page 1, line 10 and on page 3, line 25 by striking the figure "\$9,121,500" and by inserting in lieu thereof the figure "\$10,121,500".

Further amend the bill on page 1, line 12 and on page 4, line 1 by striking the figure "\$2,950,433" and by inserting in lieu thereof the figure "\$3,950,433".

Further amend the bill on page 6, line 13 by striking the figure "921,500" and by inserting in lieu thereof the figure "1,921,500".

Further amend the bill on page 7, line 10 by striking the figure "200,000" and by inserting in lieu thereof the figure "1,200,000".

Amend H. 233 on page 6, line 22 by striking the figure "400,000" and inserting in lieu thereof "200,000".

Further amend H. 233 on page 1, line 12 by striking the figure "3,950,433" and inserting in lieu thereof the figure "3,750,433".

Further amend H. 233 on page 4, line 1 by striking the figure "3,950,433" and inserting in lieu thereof the figure "3,750,433".

On page 12 after line 6 by inserting the following:

"Section 24. In addition to all other appropriations heretofore and hereafter made, there is hereby conditionally appropriated to the Department of Transportation an amount to be determined by the Director of Finance not to exceed \$300,000 from the State General Fund for the fiscal year ending September 30, 1995. This appropriation is conditioned upon the Department of Transportation's obligation to Amtrak exceeding \$650,000 for services during the 1994-95 fiscal year."

And renumber the succeeding sections accordingly.

Amend H. 233 as substituted on Page 7, Line 23 by striking the figure "921,500" and inserting in lieu thereof the figure "1,000,000".

Further amend the bill on Page 3, Line 9 by striking the figure "921,500" and inserting in lieu thereof the figure "1,000,000"

Further amend the bill on Page 5, Line 17 by striking the figure "921,500" and inserting in lieu thereof the figure "1,000,000".

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and White.

-94

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Fuller, Kennedy and Curry on the disagreement of the two Houses on the Senate amendment to the bill, H. 233.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 438. To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the capital credit authorized by this act shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives

pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the Authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that such provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for such new projects.

McDOWELL LEE
Secretary

SENATE MESSAGE

MOTION TO CONCUR OFFERED

Representative Carter offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 438, said amendment being as follows:

On Page 3, line 2, after the period, insert the following language: Notwithstanding the foregoing, wages for agriculture, forestry, aquaculture or horticulture, and any related growing, processing and marketing of related products shall be subject to the local labor market for that industry.

On page 6, line 5, delete the period and insert a comma and the following: or any process or treatment facility which recycles, reclaims, or converts materials, which include solids, liquids, or gases, to a reusable product.

SUBSTITUTE MOTION TO NON-CONCUR AND REQUEST COMMITTEE ON CONFERENCE BE APPOINTED TABLED

On motion of Representative Carter, the substitute motion offered by Representative Payne that the House non-concur in the Senate amendment to the bill, H. 438, and request the Speaker appoint a Committee on Conference on the disagreement of the two Houses was tabled.

Yeas 79; Nays 14.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

-79

Nay:

Representatives Ford, Galliher, Hayden, Hill, Hilliard, Jackson, Knight (A), McAdory, Minnifield, Newton (D), Page, Payne, Perdue and Rogers (J).

-14

MOTION TO CONCUR ADOPTED

The question was then on the motion offered by Representative Carter that the House concur in and adopt the Senate amendment to the bill, H. 438, and the motion was adopted.

Yeas 91; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

Nay:

Representatives Curry, Ford, Galliher, Hill, Knight (A), Newton (D), Page, Payne and Petelos.

- 9

H. 597 RESUMED

SUBSTITUTE AMENDMENT TABLED

The question was then on the adoption of the substitute amendment offered by Representative Sanderson to the amendment offered by Representative Turner to the bill, H. 597, as amended, and on motion of Representative Sanderson, the substitute amendment offered by him was tabled:

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

-87

AMENDMENT TABLED

The question was then on the adoption of the amendment offered by Representative Turner to the bill, H. 597, as amended, and on motion of Representative Sanderson, the amendment was tabled.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

AMENDMENT OFFERED

Representative Sanderson offered the following amendment #1 to the bill, H. 597, as amended:

Amend House Bill 597 as may be substituted and/or amended on page 22, line 2 after the word "company" by deleting the words "with its"

Further amend House Bill 597 as may be substituted and/or amended on page 22, line 3 by deleting the words "principal office in the State".

Further amend House Bill 597 as may be substituted and/or amended on page 22, line 23, by deleting the words "with its principal office within" and inserting in lieu thereof the words "within and/or without".

MOTION TO TABLE LOST

The motion offered by Representative Minnifield to table the amendment #1 offered by Representative Sanderson to the bill, H. 597, as amended, was lost.

Yeas 15; Nays 75.

Yea:

Representatives Box, Boyd, Fuller, Galliher, Hall (L), Hawk, Hill, Houston, Kennedy, McAdory, Minnifield, Morrow, Page, Payne and Rogers (J).

-15

Nay:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-75

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #1 offered by Representative Sanderson to the bill, H. 597, as amended, and the amendment #1 was adopted.

Yeas 94; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

Nay:

Representatives Fuller, Hill, Hilliard, Minnifield, Morrow, Page and Rogers (J).

- 7

AMENDMENT OFFERED

Representative Sanderson offered the following amendment #2 to the bill, H. 597, as amended:

On page 28, line 19, delete the word "in" and insert in lieu thereof the words: without and/or within

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 91; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R),

Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

Nay:

Representatives Fuller, Hill, Hilliard, Minnifield, Morrow, Page and Rogers (J).

- 7

And the bill:

H. 597. To authorize Alabama Public School and College Authority to sell and issue one hundred fifty million dollars (\$150,000,000.00) aggregate principal amount of additional bonds for capital improvements for public educational purposes including purchasing, constructing, improving, renovating, and equipping public school buildings; to provide funds to the Alabama Public School and College Authority to be allocated for special and critical needs as determined by the Governor's Task Force on Critical Needs in concert with the superintendents of the local boards of education; to provide funds for a supplementary allocation to those school systems where the findings of the Governor's Task Force on Critical Needs totaled less than the funds each school system would receive through an allocation method based on the average daily membership for the first forty scholastic days of the school year 1994-95; to provide funds to replace pre-1978 school buses routinely used by certain city and county boards of education; to provide funds for public school buildings which have been destroyed by fire or natural disaster; to provide funds for special and critical needs as determined by the Alabama Public School and College Authority; to provide for the reallocation of any unexpended funds after a specified period of time; to authorize the Authority to reimburse the Building Commission, Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions,

instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 98; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-98

Nay:

Representatives Holmes, Knight (J) and Mitchell.

- 3

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 586, were temporarily carried over at the request of Representative Allen.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 539, was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

-94

And the bill:

H. 539. (With Amendment): To amend Sections 40-14-41 and 40-14-47, Code of Alabama 1975; to clarify that Generally Accepted Accounting Principles are to be used in determining the useful life of assets; to provide that the total capital of a taxpayer includes the status of long-term versus short-term debt; to allow fiscal year corporations to file franchise tax returns at the same time as their tax or financial institution excise tax returns, including extensions; to provide a one-year transition rule; to increase the minimum franchise tax; and to provide a retroactive effective date.

was taken up.

SUBSTITUTE OFFERED

Representative Burke offered the following substitute to the bill, H. 539, and to the pending amendment reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-14-41 and 40-14-47, Code of Alabama 1975; to clarify that Generally Accepted Accounting Principles are to be used in determining the useful life of assets; to provide that the total capital of a taxpayer includes the status of long-term versus short-term debt; to allow fiscal year corporations to file franchise tax returns at the same time as their tax or financial institution excise tax returns, including extensions; to provide a one-year transition rule; and to provide a retroactive effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Foreign Franchise Tax Reform Act of 1995."

Section 2. Section 40-14-41, Code of Alabama 1975, is amended to read as follows:

"§40-14-41.

"(a) Amount of levy. -- Every corporation organized under the laws of any other state, nation, or territory and doing business in this state, except strictly benevolent, educational, or religious corporations, shall pay annually to the state an annual franchise tax of \$3 three dollars (\$3) on each ~~\$1,000 one thousand dollars (\$1,000)~~ of the actual amount of its capital employed in this state. Corporations which have qualified to do business in this state shall for the purpose of this title prima facie be held to be doing business in Alabama; ~~provided, that~~ . However, in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of twenty-five dollars (\$25).

"(b) Definition of capital. -- The total capital of ~~such foreign corporation a taxpayer shall be deemed to be an amount~~ equal to the sum aggregate net amount of the following items:

"(1) The outstanding capital stock and any additional paid-in capital, whether positive or negative, but excluding the taxpayer's cost of its treasury stock;

"(2) ~~Surplus and undivided profits~~ Retained earnings, whether positive or negative, which shall include any amounts designated for the payment of dividends until ~~such the~~ amounts are definitely and irrevocably placed to the credit of stockholders ~~subject to withdrawal on demand;~~

"(3) The amount of long-term bonds, notes, debentures, or other evidences of indebtedness maturing and payable more than one year after the first day of the franchise tax year determined as of the end of the preceding fiscal year of the taxpayer, but not including deposit liabilities of banks and other financial institutions as defined by state or federal law;

"(4) The amount of the short-term bonds, notes, debentures, or other evidences of indebtedness maturing determined as of the end of the preceding fiscal year of the taxpayer but not including deposit liabilities of banks and other financial institutions as defined by state or federal law, and payable at the time to: (i) any individual stockholder owning directly or indirectly 10 percent or more of the outstanding capital stock of such foreign corporation the taxpayer, or (ii) another corporation owning more than 50 percent of the outstanding capital stock of such corporation the taxpayer, or (iii) another corporation more than 50 percent of the outstanding capital stock of which is owned by such foreign corporation, and which the taxpayer, unless the other corporation referred to in (ii) or (iii) is ~~not~~ also required to pay a franchise tax to the State of Alabama;

"(5) The amount reasonably required to adjust the depreciable or amortizable property accounts for any rapid, excessive, or unreasonable depreciation or amortization charges or amortization, so as to restore the depreciable or amortizable property accounts, for franchise tax purposes, to original cost less depreciation or amortization computed on the basis of the useful life of such the property to the corporation taxpayer. Useful life shall be determined in accordance with Generally Accepted Accounting Principles appropriate in the particular case, as promulgated by the Financial Accounting Standards Board or a similar or successor agency or board.

"(c) Determination of capital employed in state. -- ~~The actual amount of such total capital as herein defined which is employed in this state shall be determined in accordance with generally accepted accounting principles~~ Generally Accepted Accounting Principles as defined above. appropriate in the particular case, and such determination shall establish a rebuttable presumption as to the actual amount of capital employed by the corporation in this state; provided, that The actual amount of capital employed by the taxpayer in this state shall be determined by apportioning the total capital of the taxpayer, as defined above, to Alabama in accordance with regulations promulgated by the Department of Revenue, except that the regulations shall in all cases provide for an alternative apportionment formula reasonably acceptable to the taxpayer and to the Department of Revenue if the formula otherwise applicable to the taxpayer would not fairly represent the actual amount of the capital employed of the taxpayer in this state. However, in the case of organizations whose accounts and records are kept according to rules prescribed by a regulatory agency or instrumentality of the United States or by the Alabama Public Service Commission, or by a state insurance department, the actual amount of capital employed in this state as so determined shall in no event exceed the value of the sum of its tangible property located in this state and its intangible property employed in the conduct of its business in this state. In the case of banks and bank holding companies the actual amount of capital employed in this state shall in no event exceed the amount determined by apportioning the total capital of the bank or bank holding company to this state by applying the factors applicable to apportioning to this state the taxable income of banks and bank holding companies for purposes of the financial institution excise tax or other tax measured by the net income of the bank or bank holding company.

"(d) Exclusions and deductions.

"(1) There Unless the principal business of the taxpayer is that of a dealer in stocks or securities, there shall be excluded from the amount of capital as determined in subsection (b) of this section the investment by the taxpayer in the capital of other corporations organized: (i) under the laws of Alabama; or (ii) under the laws of any other state, nation, or territory if such the other corporations also pay a franchise tax to the State of Alabama, unless the taxpayer is a dealer in stocks or securities, and ; or (iii) under the laws of any other state, nation, or territory, if the other corporation does not pay a franchise tax to the State of Alabama and the taxpayer owns more than 50 percent of the outstanding capital stock of the other corporation, unless the other corporation is dormant and not regularly engaged in one or more business activities. A corporation shall not be deemed dormant and shall be considered regularly engaged in one or more business activities, if the corporation owns, directly or indirectly, more than 50 percent of the outstanding capital stock of another corporation regularly engaged in one or more business activities. For purposes of this subsection, qualifying "business activities" include, but are not limited to, investing in the stocks and debt obligations of other entities, licensing patents, trademarks, and other intellectual properties, and asset management activities; and indirect ownership shall be determined in accordance with 26 U.S.C. Section 318 and a corporation shall be deemed to indirectly own another corporation if both corporations would be part of a controlled group of corporations as defined in 26 U.S.C. Section 1563 if a 50 percent ownership requirement is applied in lieu of the 80 percent ownership requirement of the statute.

"(2) There shall be deducted from the amount of capital employed in this state as determined in accordance with subsections (b) and (c) of this section, the following amounts:

"a. The aggregate amount of loans of money made by the taxpayer in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law;_

"b. The amount invested by the taxpayer in bonds or other securities issued by the State of Alabama, or any county, municipality, or other political subdivision of the State of Alabama, or any public corporation organized under the laws of the State of Alabama, unless such the corporation is a dealer in securities;_

"c. The amount invested by the taxpayer in all devices, facilities, or structures, and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction, or elimination of air or water pollution; and_

~~"d. The amount invested by the taxpayer in all real and tangible personal property, equipment, facilities, structures, and components thereof, and materials used in the manufacturing, assembling, or constructing of products or equipment~~

of any kind that are acquired or constructed by the taxpayer and placed in service in a qualifying county of the state (as hereinafter defined) within a period commencing with the date of issuance of a qualification certificate as provided for herein and ending five years thereafter (such real and personal property, equipment, facilities, structures and components thereof, and materials being herein called "qualifying property"). Before any such amount invested by a taxpayer may be deducted from the amount of its capital employed in this state as determined in accordance with subsections (b) and (c) of this section, a qualification certificate must be issued to the taxpayer prior to the due date of the report required by Section 40-14-44 for the year in which investment in qualifying property is first made, a copy of which such qualification certificate shall be filed with the taxpayer's report made pursuant to Section 40-14-44 for such year and for each year thereafter. Such qualification certificate shall state that a committee composed of the Governor of the state, the State Finance Director, and the Revenue Commissioner of the state has, prior to or on the date of such qualification certificate, met and determined, as of such date, 1. that the county in which qualifying property owned or to be owned by the taxpayer is or is to be located was a qualifying county as herein defined, 2. that the Alabama Development Office (or such similar organization of the state which shall succeed to its duties) has certified to the Governor that the economic benefits of investment by the taxpayer in qualifying property located or to be located in the qualifying county will be of a type advantageous to the well being of the citizens of the state and of significant benefit to the qualifying county in terms of reducing the rate of unemployment therein, and 3. that the taxpayer has entered into an agreement or agreements with the state of the type hereinbelow described. A "qualifying county" for purposes of this subparagraph d. shall be any county of the state (i) which, as of the calendar month next preceding the date of any qualification certificate issued hereunder, has an unemployment rate higher than that of the United States for the same month, in both cases as published in the official statistics compiled and reported by the Bureau of Labor Statistics of the United States Department of Labor, and (ii) the governing body of which shall have, prior to the date of any qualification certificate issued hereunder, presented to the Governor a certified copy of a resolution adopted by the governing body of the county approving of and urging the issuance of qualification certificates of the committee herein provided for with respect to investments in qualifying property made by taxpayers in the county. The issuance by the committee of any qualification certificate hereunder shall be conditioned upon the taxpayer having prior thereto or contemporaneously therewith entered into such agreement or agreements with the state as the committee herein provided for shall have determined to be appropriate, which such agreements may be signed in the name of said committee for and on behalf of the state by the Governor, pursuant to which the taxpayer shall have agreed to invest, within such period as said committee shall specify, such amounts in qualifying property located in a qualifying county as said committee shall specify. The right of any taxpayer to deduct, pursuant to the lawful issuance of a qualification certificate as provided for herein, amounts invested in qualifying property shall not be subject to revocation and shall continue to be effective so long as and to the extent the taxpayer shall have amounts invested in qualifying property, unless the taxpayer shall fail to comply with the

~~terms of the agreement or agreements with the state hereinabove provided for, in which case the right of the taxpayer to deduct amounts reflecting investments in qualifying property shall cease and determine. The committee provided for herein shall be empowered to issue qualification certificates as provided for herein only during the period commencing with April 30, 1985, and ending on the date five years thereafter.~~

"e- d. The amount invested by the taxpayer in all real and tangible personal property, equipment, facilities, structures, and components thereof including, but not limited to, all aircraft replacement parts, components, systems, supplies, and sundries affixed or used on said an aircraft, and ground support equipment and vehicles used by or for the aircraft, when used by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate, or foreign commerce for transporting people or property by air. For the purpose of this paragraph, the words "hub operation within this state" shall be construed to have all of the following criteria:

"1. There originate from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year;~~and~~.

"2. Passengers ~~and/or~~ or property, or both, are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier."

Section 3. Section 40-14-47, Code of Alabama 1975, is amended to read as follows:

"§40-14-47.

"The franchise tax of domestic and foreign corporations as authorized and levied by this title shall run according to the ~~calendar fiscal year and shall be due on March 15 of each year for the tax of the current calendar year.~~ of the corporation employed for Alabama income tax or financial institution excise tax purposes, otherwise, according to the calendar year. The franchise tax shall be due each year, with respect to the current year, on the same date determined with regard to extensions of time for filing as the Alabama income tax of the taxpayer or financial institution excise return is due, or if none is due, then on March 15. An extension of time to file the Alabama income tax of the taxpayer or financial institution excise tax return, as the case may be, shall be deemed an automatic extension of time to file the franchise tax return of the taxpayer. The Department of Revenue shall promulgate emergency regulations providing a one-year transition rule for those taxpayers required to change to a reporting year other than the calendar year, and providing generally that if the reporting year of the taxpayer, as prescribed above, ends on or before June 30, the taxpayer shall remit one-half of the franchise tax for the short year on or before the seventy-fifth day following the end of the short year, and the balance shall be due on the due date determined with regard to extensions of time for filing of the return and tax of the following year. In the

alternative, the taxpayer may elect to remit, as its franchise tax liability for the short year, an amount equal to one-half of its franchise tax liability for the preceding calendar year, with the balance of its true franchise tax liability for the entire fiscal year due at the same time as provided in the preceding sentence."

Section 4. Except with respect to the amendments to Sections 40-14-41(b)(5), 40-14-41(c), and 40-14-41(d)(1), Code of Alabama 1975, this act shall be effective for all taxable years or periods beginning after December 31, 1995, provided that it is passed and approved by the Governor, or otherwise becomes a law. The amendments to Sections 40-14-41(b)(5) and 40-14-41(c), Code of Alabama 1975, relating to the use of the Generally Accepted Accounting Principles in the determination of useful lives and total capital, and the amendments to Section 40-14-41(d)(1), Code of Alabama 1975, relating to an exclusion for an investment in certain corporations that do not pay a franchise tax to the State of Alabama are retroactively effective for all open tax years.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 102; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-102

And the bill:

H. 539. To amend Sections 40-14-41 and 40-14-47, Code of Alabama 1975; to clarify that Generally Accepted Accounting Principles are to be used in determining the useful life of assets; to provide that the total capital of a taxpayer includes the status of long-term versus short-term debt; to allow fiscal year corporations to file franchise tax returns at the same time as their tax or financial

institution excise tax returns, including extensions; to provide a one-year transition rule; and to provide a retroactive effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 104; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-104

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 439, was adopted.

Yeas 98; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-98

And the bill:

H. 439. To encourage compliance audits by creating a limited compliance audit privilege; and to provide for the use of the compliance audit privilege.

was taken up.

SUBSTITUTE OFFERED

Representative Knight (A) offered the following substitute to the bill, H. 439:

A BILL TO BE ENTITLED AN ACT

To encourage compliance audits by creating a limited compliance audit privilege; and to provide for the use of the compliance audit privilege.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares all of the following:

(1) Protection of the public interest is enhanced by an organization's compliance with applicable laws.

(2) Voluntary compliance with applicable laws is most effectively achieved through the implementation of regular self-evaluative activities such as compliance audits.

(3) It is in the public interest to encourage regular self-evaluative activity by assuring limited protection of compliance audits and fair treatment of those organizations who report their audit findings to regulatory authorities.

(4) This act will encourage voluntary compliance and improve general compliance, without inhibiting the exercise of the regulatory authority by those entrusted to oversee compliance.

Section 2. The following words shall have the following meanings for purposes of this act:

(1) **APPLICABLE LAW.** All federal, state, and local statutes, rules, regulations, and permits with which an organization must comply.

(2) **COMPLIANCE AUDIT.** An evaluation or analysis of the operations, activities, or facilities of an organization that is designed to identify and prevent noncompliance and to improve compliance with applicable law. A compliance audit may be conducted by the organization through its employees or agents, or by outside counsel or independent contractors.

(3) COMPLIANCE AUDIT REPORT. Any and all documents prepared as the result of a compliance audit. A compliance audit report may include, without limitation, statements, field notes and records of interviews and observations, findings of fact, opinions, suggestions, conclusions, drafts, memoranda, drawings, photographs, computer-generated or electronically recorded information, maps, charts, graphs, and surveys, provided this supporting information is collected and developed for the primary purpose and in the course of a compliance audit.

(4) ORGANIZATION. A person, corporation, limited liability company, partnership, sole proprietorship, association, joint-stock company, union, pension fund, unincorporated organization, government and any political subdivision thereof, and nonprofit organization.

Section 3. A compliance audit report shall be privileged and shall not be admissible as evidence in any civil, criminal, or administrative proceeding. A compliance audit report shall not be subject to any discovery pursuant to any rules of civil procedure, criminal procedure, or administrative procedure, except as provided in this act.

Section 4. (a) In a civil or criminal proceeding, or in connection with an administrative proceeding, a court, after in camera review, may require disclosure of material for which the compliance audit privilege is asserted, if the court determines that the material otherwise is subject to discovery and is legally admissible into evidence and that any of the following conditions apply:

(1) The compliance audit privilege was asserted for a fraudulent purpose.

(2) The material is not subject to the compliance audit privilege.

(3) Even if subject to the privilege, the material shows evidence of noncompliance with applicable law and efforts of the organization to achieve compliance with the requirements were not initiated promptly and pursued with reasonable diligence.

(b) Upon making a determination pursuant to subsection (a), a court may compel the disclosure of only those portions of a compliance audit report relevant to the disputed issues in the proceeding.

Section 5. The compliance audit privilege of this act shall not extend to any of the following:

(1) Documents, communications, data, reports, or other information required by applicable law to be collected, developed, or maintained by the organization or reported or otherwise made available to a regulatory authority. However, this

exclusion shall apply only if the information is in the possession of the regulatory authority and applicable law authorizes its disclosure.

(2) Information obtained by observation, sampling, or monitoring by any regulatory authority.

(3) Information properly obtained from a source independent of the compliance audit.

Section 6. (a) A party asserting the compliance audit privilege has the burden of proving the privilege. If there is evidence of noncompliance with applicable law, the party shall prove that appropriate efforts to achieve compliance were initiated promptly and pursued with reasonable diligence.

(b) A party seeking disclosure has the burden of proving that the compliance audit privilege is asserted for a fraudulent purpose.

Section 7. The disclosure of a compliance audit report or any information contained therein, in whole or in part, to any regulatory authority does not constitute a waiver of the compliance audit privilege with respect to other persons or other regulatory authorities.

Section 8. Nothing in this act shall limit, waive, or abrogate the scope or nature of any statutory or common law privilege, including the work product doctrine and the attorney client-privilege.

Section 9. (a) If any organization makes a voluntary disclosure of a violation of applicable law to the appropriate regulatory authorities, there shall be a rebuttable presumption that the organization is immune from any administrative, civil, or criminal penalties for any violation disclosed. At the time of the disclosure, the organization making the disclosure shall provide information to the authority to which the disclosure is made, supporting the claim that the disclosure was voluntary.

(b) For purposes of this act, a voluntary disclosure is one:

(1) Made promptly by the organization after knowledge of the violation is obtained by the organization.

(2) Made to an agency having regulatory authority with regard to the violation disclosed.

(3) Arising out of a compliance audit as defined in Section 2.

(4) Made by an organization which initiates action to resolve violations identified in the disclosure within a reasonable time and in a diligent manner.

(5) Made by an organization which cooperates with the appropriate regulatory authority in connection with investigation of the issues identified in the organization's disclosure.

(c) A disclosure is not voluntary if it is required by applicable law to be reported to the regulatory authority.

(d) The presumption in subsection (a) may be rebutted if any of the following are established:

(1) The disclosure was not voluntary.

(2) The violation was committed intentionally and willfully by the organization making the disclosure.

(3) The violation was not fully corrected within a reasonable time.

(4) Significant environmental harm or a public health threat was caused by the violation.

(e) In any enforcement action brought against an organization regarding a violation for which the organization claims to have made a voluntary disclosure within the meaning of this section, the burden of proof concerning voluntariness of the disclosure shall be allocated as follows:

(1) The organization making the voluntary disclosure claim shall have the burden of establishing a prima facie case that the disclosure was voluntary.

(2) Once a prima facie case of voluntariness is established, the enforcement authority shall have the burden of rebutting the presumption by a preponderance of the evidence.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-93

AMENDMENT OFFERED

Representative Knight (A) offered the following amendment to the bill, H. 439, as amended:

On page 7, line 24, insert the following new Section 10 and renumber the existing Section 10 as Section 11 and then renumber the succeeding sections accordingly:

Section 10. This act shall have no application to examinations and audits conducted by the Department of Examiners of Public Accounts or to actions brought by the Attorney General or a district attorney pursuant to Sections 6-5-4 and 41-5-22 of the Code of Alabama 1975.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 101; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean,

Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-101

And the bill:

H. 439. To encourage compliance audits by creating a limited compliance audit privilege; and to provide for the use of the compliance audit privilege.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-97

RESOLUTION

The following resolution was introduced:

By Representative Thomas (J):

H.J.R. 245. COMMENDING MRS. LESSIE HUDSON OF ANNEMANIE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

The resolution, H.J.R. 245, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Waggoner:

S.J.R. 89. COMMENDING THE BIRMINGHAM SOUTHERN BASKETBALL TEAM FOR OUTSTANDING ACCOMPLISHMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 89, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Adams:

S.J.R. 85. COMMENDING LUCILLE WOODHAM FOLEY FOR OUTSTANDING ACCOMPLISHMENT.

Also:

By Senator Adams:

S.J.R. 86. COMMENDING DOROTHY RAINER SELLARS OF OPP, ALABAMA, FOR DISTINGUISHED ACCOMPLISHMENTS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 85, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 86, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

S.J.R. 87. COMMENDING ALABAMA PUBLIC TELEVISION FOR FORTY YEARS OF EXEMPLARY SERVICE TO THE RESIDENTS OF ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 87, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Amari:

S.J.R. 84. COMMENDING SYLVIA M. STEWART ON HER MERITORIOUS CAREER WITH THE STATE OF ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 84, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Windom, Freeman, Mitchem, Bailey, Butler, Hill, Davidson, Steele, Dixon, Lindsey, Smith, Adams, Lipscomb, Escott-Russell, Clay, Armistead, Waggoner, Figures, Amari, Little, Denton, Dial, Mitchell, Roberts, Myers, Ghee, Langford, Hale, Biddle, Poole, Smitherman, Barron, McClain, and Sanders:

S.J.R. 82. URGING CONGRESS TO REPEAL THE JET FUEL TAX.

WHEREAS, the airline industry has been struggling through the worst financial crisis in its history, losing over \$13 billion since 1990, and being forced to eliminate over 125,000 jobs; and

WHEREAS, the travel and tourism industry has also been adversely affected by the financial woes of the industry; and

WHEREAS, unless H.R. 752 or S. 304 are enacted, a new jet fuel tax of 4.3 cents per gallon will take effect October 1, 1995, further crippling the industry and resulting in further tourism decline, decreased state and local tax revenues, and fewer jobs created; and

WHEREAS, airlines, aviation labor organizations, airports, aircraft manufacturers, domestic jet fuel suppliers, and travel and business interests have merged in unprecedented opposition to the tax; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby strongly urge the United States Congress to support the repeal of the October 1, 1995, aviation fuel tax by supporting H.R. 752 and S. 304.

BE IT FURTHER RESOLVED, That each member of the Alabama Delegation in Congress be sent a copy of this resolution so that they may be informed of our earnest concern regarding this significant matter.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 82, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill and House Joint Resolution mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:10 P.M. on June 8, 1995.

H. 116

H.J.R. 234

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Holmes, the House adjourned until 1:30 o'clock p.m., Tuesday, June 13, 1995.

SIXTEENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, June 13, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Boyd.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Quiana Riche, 6th Grade, Challenger Middle School, Huntsville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifteenth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fifteenth legislative day was dispensed with.

S. 220 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 220, from the Standing Committee on Commerce, Transportation and Utilities to the Standing Committee on State Administration.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Wednesday, June 14, 1995, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 227. NAMING THE NEW BRIDGE ON COUNTY ROAD 379 IN LEE COUNTY, THE "HUGH BRYANT BYRD BRIDGE."

WHEREAS, Hugh Bryant Byrd, a cotton and cattle farmer, and operator of a cotton gin until his retirement, has always demonstrated interest and concern for the good and well-being of the Beulah-Lee County community, and the issues which affect it; and

WHEREAS, over the years, he has provided invaluable leadership and support in civic and community affairs in such capacities as a member of the Lee County Red Cross Board of Directors, the Lee County Board of Education and the Agricultural Stabilization and Conservation Committee for 20 years; as a trustee of Beulah High School; as chairman of the trustees and Sunday School Secretary of

the Beulah United Methodist Church; and as a member of Masonic Lodge #455 for 55 years, and treasurer for 30 years; he also was instrumental in organizing the Beulah Volunteer Fire Department and in organizing a major fund raiser for the completion of the Beulah Community Building in 1934; and

WHEREAS, a lifelong resident of Lee County, Mr. Byrd attended Auburn University and served as a member of the 90th Infantry Division during World War II, for which he received the Purple Heart; and

WHEREAS, he was married to the late Nellie Sellers Byrd, and is the father of one daughter, Elizabeth, and a grandparent; and

WHEREAS, Mr. Byrd was named Lee County Farmer of the Year and honored as Farm Family of the Year by The Birmingham News in 1965; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his outstanding contributions and service to the Beulah-Lee County community, we hereby name and designate the new bridge on County Road 379 in Lee County, the "Hugh Bryant Byrd Bridge."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers designating said bridge the "Hugh Bryant Byrd Bridge."

On motion of Representative Carter, the resolution, H.J.R. 227, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 228. HONORING MR. CHARLIE COOK ON THE OCCASION OF HIS 99TH BIRTHDAY.

WHEREAS, it is with great personal pleasure and pride that the Alabama Legislature honors Mr. Charlie Cook of Scottsboro, Alabama, on the occasion of his 99th birthday, May 28, 1995; and

WHEREAS, Charlie Cook served in the U. S. Navy during World War I where he earned highest regard and admiration for his dedicated service as a member of the gun crew on an oil tanker and the U. S. S. Huntington; and he furthermore had the opportunity to explore the icy waters where the Titanic sank; and

WHEREAS, on May 29, 1995, Charlie Cook, who is thought of as the oldest World War I veteran in Jackson County, participated in the Memorial Day Parade and festivities of Scottsboro where he reflected upon his World War I memories; and

WHEREAS, it is an honor and a privilege to join with all members of the Jackson County community to celebrate this momentous occasion of Charlie's 99th birthday, and the tremendous contributions he has made and continues to make to the well-being of the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend heartiest congratulations and paramount praise to Mr. Charlie Cook of Scottsboro, Alabama, on the occasion of his 99th birthday, and do furthermore direct that he receive a copy of this resolution of sincere tribute, with warmest wishes for many more years of good health and happiness.

On motion of Representative Carter, the resolution, H.J.R. 228, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 229. MOURNING THE DEATH OF HERMAN WALTER MADDOX OF JASPER, ALABAMA.

WHEREAS, the Legislature of the State of Alabama, herein notes with sadness the passing of one of this State's great citizens, Herman Walter Maddox, on the 24th day of May, 1995; and

WHEREAS, Herman Walter Maddox performed invaluable service not only to his community but to all Alabamians over his lifetime, and his considerable influence in municipal government, education, and the savings and loan industry was invaluable in many critical situations; and

WHEREAS, a native of Sulligent, Alabama, he earned his undergraduate and LL.B. degrees from the University of Alabama, and was a member of Pi Kappa Phi social fraternity; and

WHEREAS, he served as Special Agent in the Federal Bureau of Investigation and contributed to the protection of some of this country's most vital secrets during World War II; and

WHEREAS, Herman Walter Maddox distinguished himself in his profession by holding virtually every office of the Walker County Bar Association, as well as through service as president of the Junior Bar Section of the Alabama State Bar (1949-50), and on the Alabama State Bar Board of Commissioners (1965-68); and

WHEREAS, he also distinguished himself in his community as a longtime member of the Jasper City Board of Education, as Mayor of the City of Jasper for 12 years, as a Municipal Judge for the City of Jasper, in active service to the First Baptist Church of Jasper and various other civic organizations, and as a devoted husband and father; and

WHEREAS, further, in recognition of his strong leadership in education, the Middle School of the Jasper City School System was named in his honor; and

WHEREAS, Herman Walter Maddox indeed epitomized the image of public service, and was an outstanding leader who was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his community, country, and state; and

WHEREAS, he was a genuine statesman whose life served as a worth example of those who are true to the instinct of their birth; faithful to the teachings of their fathers, and constant in their love for their state and country; and

WHEREAS, he was held in high esteem by his associates, loved by his friends, and respected by all; and his life reflected great honor not only to himself but to his community as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby mourn the death of this great citizen, the Honorable Herman Walter Maddox of Jasper, Alabama, and extend our heartfelt sympathy to his family.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for his daughters, Lisbeth Thornley and Carol Kilgore, that they may know of our shared sorrow, and high regard and esteem to his memory.

On motion of Representative Carter, the resolution, H.J.R. 229, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 230. COMMENDING WILLIAM HAWKINS OF GARDENDALE, ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the distinguished career and contributions of William "Bill" Hawkins of Gardendale, Alabama, in more than 40 years of service to education and to his community; and

WHEREAS, a native of Etowah County, Alabama, Bill Hawkins received his B.S. degree from Jacksonville State University, earned his M.A. degree from Peabody College, and pursued additional studies at the University of Alabama, Birmingham; and

WHEREAS, he began his coaching career in 1951 at Sand Rock High School and, following call to active duty in the United States Navy, resumed his career in 1953, serving successively at Etowah County High School (1953-54), Collinsville High School (1955-56), Oneonta High School (1957-65), Scottsboro High School (1966-68), and Mortimer Jordan High School (1970-73); and from 1974-91 as supervisor of Driver Education for the Jefferson County Board of Education, during which he served as President of the Alabama Driver and Traffic Safety Association; and

WHEREAS, Coach Hawkins not only realized a number of outstanding career records and accomplishments over his successful tenure, including the DeKalb County Championship in 1956 while at Collinsville, a AA District 3 Championship in 1965 at Oneonta, a first trip to the playoffs for Mortimer Jordan, and service as head coach for the North Alabama All Stars in 1965 and 1974, but he also served as a worthy role model for the many young athletes who came under his tutelage; and

WHEREAS, Mr. Hawkins has also provided invaluable service to his community in such capacities as deacon of the First Baptist Church of Gardendale, as board member of the Birmingham Fellowship of Christian Athletes, and for a third term as a member of the Gardendale City Council; and

WHEREAS, Mr. Hawkins and his devoted wife, Louise, are the proud parents of two daughters, Delyn and Vickie; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to our youth and to the community, we hereby most highly commend William Hawkins of Gardendale, Alabama, for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 230, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 235. COMMENDING DANIEL S. GOLDIN FOR OUTSTANDING SERVICE AND ACCOMPLISHMENTS.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature honors Daniel S. Goldin, Administrator of the National Aeronautics and Space Administration (NASA), for his tremendous leadership over the past three years; and

WHEREAS, a native of New York, Daniel S. Goldin, who earned a B.S. from City College of New York, was previously the Vice President and General Manager of TRW Space and Technology Group and, under his leadership, the Group won numerous awards and earned widespread respect and admiration; and

WHEREAS, under the guidance of Mr. Goldin, NASA has made milestone achievements and improvements such as the completion of the Lewis and Clark remote sensing spacecraft, the reparation of the Hubble Space Telescope, and the significant reduction of spacecraft construction time and cost; and

WHEREAS, Mr. Goldin furthermore orchestrated a fundamental redesign of the space station, introduced 21 new faster, better, and cheaper high-technology projects, and promoted a new partnership with Russia; and

WHEREAS, Daniel Goldin has been recognized for his outstanding achievements as the recipient of the Meritorious Award from the National Association of Small and Disadvantaged Businesses, and the Rotary National Space Award; he was also named a 1995 Fellow of the American Institute for Aeronautics and Astronautics, Fellow of the American Astronautical Society, and a Fellow of the Institute for the Advancement of Engineering, among others too numerous to mention; and

WHEREAS, Daniel is the devoted husband to his wife, Judith Kramer Goldin, and they are the proud parents of two daughters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby highly commend the tremendous dedication and accomplishments of Daniel S. Goldin of NASA, and do furthermore direct that a copy of this resolution be provided as evidence of our appreciation and esteem.

On motion of Representative Carter, the resolution, H.J.R. 235, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 242. MOURNING THE DEATH OF REVEREND ROBERT L. HOPE OF PLATEAU, ALABAMA.

WHEREAS, it is with great sadness and regret that the Alabama Legislature notes the lamentable death of Reverend Robert L. Hope of Plateau, Alabama, on Sunday, June 4, 1995; and

WHEREAS, Reverend Hope, who was born May 7, 1905, to James and Pattie Hope of Magnolia, Alabama, attended Magnolia High School and Cedar Grove Theology Seminary, and served as pastor of First Baptist Church in Mt. Vernon, Alabama, and most recently as assistant pastor of Yorktown Missionary Baptist Church in Plateau, where he was originally licensed and ordained; and

WHEREAS, serving in the Mobile County Public Schools for many years, Reverend Hope was active in countless civic, community and political activities, serving as president of the Mobile County Training School PTA, Mobile County-Wide PTA, and the Non-Partisan Voters League to name but a few; he was furthermore appointed to serve as a member of the Jury Commission of Mobile County, the Campaign Manager of Mobile by Former Governor Wallace, and the Victims Justice Committee by the District Attorney's Office of Alabama; and

WHEREAS, Reverend Hope made invaluable contributions to his community and this state, and enhanced the lives of the many he inspired and encouraged by his warm and gentle presence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most grievously mourn the death of Reverend Robert L. Hope of Plateau, Alabama, and extend our heartfelt sympathy to his wife, Zeola King Hope, eleven children, and other close family and friends for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 242, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 244. MOURNING THE DEATH OF MINNIE B. TURNBO OF PRICHARD, ALABAMA.

WHEREAS, it is with deepest sorrow and regret that the Legislature of Alabama records the lamentable death of Mrs. Minnie B. Turnbo of Prichard, Alabama, on May 26, 1995, at the age of 114 years; and

WHEREAS, born May 10, 1881, in Chilton County, Alabama, Mrs. Turnbo, who was believed to be the oldest woman in the state, was a dearly beloved member of her community and a prominent Alabamian; and

WHEREAS, her birthday each year was an occasion for recognition and celebration; proclamations came from dignitaries from around the state, the City of Prichard proclaimed the day Minnie B. Turnbo Day, and residents from throughout the city came to the Prichard Housing Authority to honor and pay tribute to the town's most celebrated citizen; and

WHEREAS, Minnie Turnbo was a lady of true and noble character, and a faithful and devoted Christian to whom her Lord and Savior Jesus Christ was the center of her life; and

WHEREAS, over the years, her reverence for God would direct her path, and her philosophy of love, brotherhood, and service to God would serve as a testament of her life, and as an example to all those whose lives she touched; and

WHEREAS, in the death of Mrs. Minnie Turnbo the Prichard community, her many friends, and her beloved family have indeed suffered an inconsolable loss which leaves them sorely bereft in grief, but with loving memories to sustain them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we bow in submission to the will of God, we give thanks for the blessings of the life and service of Mrs. Minnie B. Turnbo, and extend our deepest sympathy to all of her family, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 244, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 245. COMMENDING MRS. LESSIE HUDSON OF ANNEMANIE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

WHEREAS, it is with great personal pride and pleasure that the Alabama Legislature honors Mrs. Lessie Hudson of Annemanie, Alabama, on the occasion of her 100th birthday, June 20, 1995; and

WHEREAS, a native of Wilcox County, Alabama, Mrs. Hudson is the widow of the late Joseph Hudson, and a loving and devoted mother of seven children; and

WHEREAS, a staunch upholder, Mrs. Hudson served in her capacities as a dedicated member and active participant of Canaan Cumberland Presbyterian Church, and is now enjoying residing with one of her beautiful daughters; and

WHEREAS, Mrs. Lessie Hudson is indeed a warm and gracious lady who deserves the utmost praise for her many notable contributions to her church and community; it is truly an honor and privilege to have the opportunity to celebrate this momentous occasion of her 100th birthday; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend warmest congratulations and highest commendation to Mrs. Lessie Hudson of Annemarie, Alabama, on the occasion of her 100th birthday, June 20, 1995, and do furthermore direct that she receive a copy of this resolution with sincerest best wishes for many more years of good health and happiness.

On motion of Representative Carter, the resolution, H.J.R. 245, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 82. URGING CONGRESS TO REPEAL THE JET FUEL TAX.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 82.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 84. COMMENDING SYLVIA M. STEWART ON HER MERITORIOUS CAREER WITH THE STATE OF ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 84.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 85. COMMENDING LUCILLE WOODHAM FOLEY FOR OUTSTANDING ACCOMPLISHMENT.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 85.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 86. COMMENDING DOROTHY RAINER SELLARS OF OPP, ALABAMA, FOR DISTINGUISHED ACCOMPLISHMENTS.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 86.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 87. COMMENDING ALABAMA PUBLIC TELEVISION FOR FORTY YEARS OF EXEMPLARY SERVICE TO THE RESIDENTS OF ALABAMA.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 87.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 89. COMMENDING THE BIRMINGHAM SOUTHERN BASKETBALL TEAM FOR OUTSTANDING ACCOMPLISHMENT.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 89.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 748. (With Substitute) (With Amendment): To amend Sections 40-1-44, 40-12-190, 40-12-198, 40-12-199, 40-17-1, 40-17-2, 40-17-5, 40-17-7, 40-17-9, 40-17-14, 40-17-22, 40-17-203, 40-17-220, and 40-17-221, relating to motor fuel taxes, to further define certain terms and clarify language therein; to further specify refund requirements; to provide for the payment of interest on refunds not processed within 90 days; to impose a certain floor stocks tax on motor fuel on a certain date; to prescribe penalties for violations and to repeal Sections 40-17-3, 40-17-4, 40-17-11, 40-17-12, and 40-17-21.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 749. (With Amendment): Relating to county roads; to establish the Rural Access Program; to provide definitions; to create a fund in the State Treasury which shall be called the Rural Access Program Fund; to describe the sources of revenue for the fund; to provide the distribution and appropriation of revenues for the Rural Access Program; to provide for the use of the funds; to provide that appropriations for the Rural Access Program are capital outlay appropriations; to provide that Rural Access Program Funds shall be matched by county funds and that they may be used for a portion of the county matching share of any federally funded county projects; to provide for obligation limitations; to provide that the Transportation Director shall have sole authority to promulgate rules and regulations for the operation of the Rural Access Program; to provide that the Department of Transportation shall specify design criteria for county projects; to provide that county projects shall be approved by the Department of Transportation; to provide that any county eligible for aid under this act shall have a professional licensed county engineer; to provide that the county shall furnish project design, supervision of construction, and acquisition of right-of-way for county projects at the expense of the county; to provide that county projects shall be let to contract by the Department of Transportation; to provide that unobligated funds shall revert and be redistributed to other counties at the end of a three fiscal year period; to provide that any county road projects constructed pursuant to this act shall be maintained by the county and shall meet maintenance standards established by the Department of Transportation or further funding pursuant to this act shall be withheld; to provide that if a house bill whose purpose is to strengthen gasoline and motor fuel tax laws to eliminate fuel tax evasion does not become law, this act shall not become effective.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 750. To amend Section 18-1A-211, Code of Alabama 1975, which relates to the interest rate paid on judgments for money payment in a condemnation action, to provide that the judgments shall bear interest at the same rate as the prevailing rate paid on 52-week United States Treasury Bills and to further provide for the date of accrual.

H. 751. Relating to the disposition of surplus personal property owned by the Alabama State Department of Transportation; to provide that the Alabama Department of Transportation may promulgate administrative rules and regulations for the disposition of the surplus personal property of the department; to provide that the Department of Transportation may sell surplus personal property at fair market value to incorporated cities, counties, volunteer fire departments, boards of education, civil defense agencies, or state departments, boards, bureaus, commissions, or agencies; to provide that the Department of Transportation shall make available surplus personal property for inspection and publish a list of all surplus personal property available to sell by the Department of Transportation; to provide for the disposition of all surplus personal property owned by the Department of Transportation with the exception of property the disposal of which is otherwise provided for by law or which, by nature, is incapable of sale by auction or bid shall be let by free and open competitive public auction or sealed bids; to provide for advertisement of the auction; to provide for certain rules and regulations concerning bidding; to provide for the method of payment for the surplus personal property sold; to provide for the disposition of the proceeds of the sales of surplus personal property; to provide that no officer or employee of the state or any of its departments, boards, commissions, institutions, corporations, or agencies shall act as an agent for any bidder; and to provide for an effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 752. (With Amendment): To amend Sections 32-9-5, 32-9-6, and 32-9-29 of the Code of Alabama 1975, which relates to fees, penalties, and disposition of fines and forfeitures for the operation of any truck, semitrailer truck or trailer in this state; to provide for an increase in the fees, penalties, and disposition of fines and forfeiture pertaining to trucks, semitrailer trucks, or trailers in this state.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 613. Relating to Elmore County; amending Act No. 481, H. 1136, 1977 Regular Session, as amended, to provide further for the compensation of the county superintendent of education.

H. 619. Relating to Houston County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

H. 697. Relating to Etowah County; to provide for the establishment of the "Etowah County Library Committee"; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and filling of vacancies; to provide for the terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

H. 698. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

H. 707. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901; to grant certain powers and authority to Walker County and each municipality situated wholly therein relating to the acquisition, leasing, sale, and development of industrial sites and industrial park projects; and to specify that actions authorized by this amendment taken subsequent to January 1, 1995, are ratified.

The above bill was read a second time at length as required by the Constitution.

H. 708. Relating to Walker County; to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products; and to provide for an advisory referendum.

H. 709. Relating to Walker County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

H. 710. Relating to Walker County; creating the Walker County Sheriff Service of Process Serving Fund; to further provide for service of process in Walker County; to provide that the Sheriff of Walker County may contract with or enter into contract or agreement with a private, public, or governmental entity for the purpose of service of process; to increase the fee for civil or criminal documents, with certain exceptions; and to provide for the disposition of funds.

H. 711. Relating to Walker County; to amend Sections 1 and 2 of Act No. 89-763, H. 892 of the 1989 Regular Session (Acts 1989, p. 1543), to further provide for the expenditures of the Juvenile Court Advisory Committee.

Representative Turnham, Chairperson of the Standing Committee on Local Legislation No. 8, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 716. Amending Section 1 of Act No. 88-472, Regular Session, 1988 (Acts 1988, p. 722), relating to the Lee County Judicial Administration Fund; to provide that judicial personnel of Lee County may be reimbursed for actual and necessary travel expenses within or without the State of Alabama related to training and education enhancement.

H. 737. To authorize the governing body of the City of Auburn, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the said city, on all taxable property situated within the said city, the special ad valorem tax for the support and furtherance of education which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the said city, which is equal to \$1.10 on each one hundred dollars (11 mills on each dollar) of assessed value.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 114. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 438. To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the capital credit authorized by this act shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the Authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that such provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for such new projects.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 597. To authorize Alabama Public School and College Authority to sell and issue one hundred fifty million dollars (\$150,000,000.00) aggregate principal amount of additional bonds for capital improvements for public educational purposes including purchasing, constructing, improving, renovating, and equipping public school buildings; to provide funds to the Alabama Public School and College Authority to be allocated for special and critical needs as determined by the Governor's Task Force on Critical Needs in concert with the superintendents of the local boards of education; to provide funds for a supplementary allocation to those school systems where the findings of the Governor's Task Force on Critical Needs totaled less than the funds each school system would receive through an allocation method based on the average daily membership for the first forty scholastic days of the school year 1994-95; to provide funds to replace pre-1978 school buses routinely used by certain city and county boards of education; to provide funds for public school buildings which have been destroyed by fire or natural disaster; to provide funds for special and critical needs as determined by the Alabama Public School and College Authority; to provide for the reallocation of any unexpended funds after a specified period of time; to authorize the Authority to reimburse the Building Commission, Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the

Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

TOMMY CARTER
Chairman

And the bill, H. 597, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 439. To encourage compliance audits by creating a limited compliance audit privilege; and to provide for the use of the compliance audit privilege.

TOMMY CARTER
Chairman

And the bill, H. 439, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 539. To amend Sections 40-14-41 and 40-14-47, Code of Alabama 1975; to clarify that Generally Accepted Accounting Principles are to be used in determining the useful life of assets; to provide that the total capital of a taxpayer includes the status of long-term versus short-term debt; to allow fiscal year corporations to file franchise tax returns at the same time as their tax or financial institution excise tax returns, including extensions; to provide a one-year transition rule; and to provide a retroactive effective date.

TOMMY CARTER
Chairman

And the bill, H. 539, as engrossed, was ordered sent to the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Box:

H. 765. To amend Section 2 of Act No. 94-823 of the 1994 First Special Session, now appearing as Section 16-36-29.1 of the Code of Alabama 1975; to provide for the purchase of equipment or electrical equipment by schools or teachers with funds allocated by the local board of education.

COMMITTEE ON JUDICIARY

By Representative Papucci (With Notice and Proof):

H. 766. To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County to remove certain property from the corporate limits of the city.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 766, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Buskey (With Notice and Proof):

H. 767. Relating to Mobile County; to amend Act No. 86-545, S. 655, 1986 Regular Session, as amended, which creates a county racing commission; to provide further for wagering on broadcasts.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 767, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Letson (With Notice and Proof):

H. 768. Relating to Lawrence County; to provide for the service by the sheriff of subpoenas in the courts of the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 768, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Letson:

H. 769. To amend Section 17-4-156, Code of Alabama 1975, to provide further for the working days of the Lawrence County Board of Registrars.

COMMITTEE ON WAYS AND MEANS

By Representative White (With Notice and Proof):

H. 770. Relating to Escambia County; providing that the offices of judge of probate and tax collector shall not be assessed for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, up to an annual maximum of \$2,500 per office.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 770, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Thomas (J) (With Notice and Proof):

H. 771. To alter or rearrange the boundary lines of the Town of Fort Deposit, Lowndes County, Alabama, so as to include within the corporate limits of the said Town of Fort Deposit all territory now within such corporate limits and also certain other territory contiguous thereto, in Lowndes County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 771, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative White (With Notice and Proof):

H. 772. Relating to the Twenty-first Judicial Circuit, comprised of Escambia County, Alabama; to authorize the district attorney to establish a court cost recovery division within the office of the district attorney; to provide for collection

and enforcement of court orders in certain cases of nonpayment of assessments, costs, fees, fines, or forfeitures.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 772, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative White (With Notice and Proof):

H. 773. Relating to the Twenty-First Judicial Circuit of Alabama and the establishment of a Pre-Trial Diversion Program by the District Attorney.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 773, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Parker (T), Curry, McMillan, and Sanderson:

H. 774. Relating to tuition at public institutions of higher education, to establish the minimum tuition rate that public institutions of higher education charge to nonresident students, to define residency and tuition policy for nonresident students, and to create the Permanent Joint Interim Legislative Committee for Appeals on Higher Education.

COMMITTEE ON WAYS AND MEANS

By Representatives Parker (T), Curry, McMillan, and Sanderson:

H. 775. Relating to the Alabama Commission on Higher Education, amending Section 16-5-7 of the Code of Alabama 1975, to require the commission to develop and maintain a unit record database concerning faculty members of institutions of higher education and specifying the purposes for which the data may be used.

COMMITTEE ON WAYS AND MEANS

By Representatives Parker (T), Curry, McMillan, and Sanderson:

H. 776. Relating to the Alabama Commission on Higher Education, amending Section 16-5-9 of the Code of Alabama 1975, to prohibit the

commission from recommending funding for a public institution of higher education that takes over, consolidates, or merges with a private institution, or with a public institution that changes status from a two-year to a four-year institution as a result of the takeover, consolidation, or merger.

COMMITTEE ON WAYS AND MEANS

By Representatives Parker (T), Curry, McMillan, and Sanderson:

H. 777. Relating to the Alabama Commission on Higher Education, amending Section 16-5-10 of the Code of Alabama 1975, so as to authorize the commission to establish an arbitration process concerning disputes between public institutions of higher education; to specify the method of establishing the process; and to provide for an appeal of the final determination to a legislative oversight committee.

COMMITTEE ON WAYS AND MEANS

By Representatives Parker (T), Curry, McMillan, and Sanderson:

H. 778. To require all public institutions of higher education and their respective board of trustees to file with the Alabama Commission on Higher Education a Facilities Master Plan and to require institutions to prioritize all capital budget requests made to the Governor and Legislature. In addition, this bill will freeze the square footage for academic facilities while the facilities master plan is being developed. This bill will provide that all new construction projects, all acquisitions of existing facilities, and all lease purchase agreements must be approved by the Commission prior to that space being included in the Alabama Commission on Higher Education's funding formula calculations. This bill will also establish a Permanent Joint Interim Legislative Committee for Appeals on Higher Education to consider appeals from a decision by the Commission as to a facilities plan.

COMMITTEE ON WAYS AND MEANS

By Representatives Parker (T), Curry, McMillan, and Sanderson:

H. 779. To amend Section 16-5-7 of the Code of Alabama 1975, to allow the Alabama Commission on Higher Education to establish and require from each two-year and four-year public institutions of higher education specific units of information necessary to establish the student unit record data system.

COMMITTEE ON WAYS AND MEANS

By Representative Dolbare:

H. 780. To establish the "Family Responsibility Act of 1995; to provide for personal care homes or facilities and private care homes; to provide for companion, sitter, or personal care tasks; and to provide for definitions.

COMMITTEE ON EDUCATION

By Representatives McMillan, White, and Penry (With Notice and Proof):

H. 781. To authorize the Baldwin County Commission and any municipality located in Baldwin County to contract for the administration and enforcement by a designee of any tax or license levied in the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 781, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McMillan, White, and Penry (With Notice and Proof):

H. 782. To prohibit the Building Official of Baldwin County, Alabama, from issuing a building permit for construction of improvements which use certain clays and other materials which are potentially discoloring to the natural white sands and waters in certain areas of the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 782, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Penry and McMillan:

H. 783. To exempt Polo at the Pointe from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Kennedy and Fuller:

H. 784. To make an appropriation of \$129,081 from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Penry, McMillan, and Warren:

H. 785. To create a new circuit judgeship in the Twenty-Eighth Judicial Circuit.

COMMITTEE ON WAYS AND MEANS

By Representatives Newton (D), Drake, Spratt, Hilliard, Johnson (E), Houston, and McAdory:

H. 786. To amend Section 25-5-117 of the Code of Alabama 1975, to provide for the limitation period on certain claims or actions for workers' compensation benefits.

COMMITTEE ON BUSINESS AND LABOR

By Representative Morrison:

H. 787. To provide for the establishment, composition, and powers of the North Alabama Agricultural Museum and Hall of Fame Board.

COMMITTEE ON WAYS AND MEANS

By Representative Moore:

H. 788. To amend Section 40-23-7, Code of Alabama 1975, to provide further for the payment of quarterly sales tax returns.

COMMITTEE ON WAYS AND MEANS

By Representative Venable (With Notice and Proof):

H. 789. Relating to Elmore County; amending Sections 1 and 2 of Act No. 82-666, H. 69 of the 1982 First Special Session (Acts 1982, p. 85), relating to the fee for a pistol permit and providing for the disposition of the proceeds from the fees, to increase the fee.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 789, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Venable:

H. 790. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to Auburn University at Montgomery for the fiscal year ending September 30, 1996, and each year thereafter for use at Fort Toulouse in Elmore County.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 791. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Alabama Historical Commission for the fiscal year ending September 30, 1996, and each year thereafter, for use at Fort Toulouse in Elmore County.

COMMITTEE ON WAYS AND MEANS

By Representative Morrow:

H. 792. Relating to the sale of tickets to athletic contests and entertainment events; to provide for the registration and regulation of persons who are ticket brokers; to provide for administration of this act by the Secretary of State; to provide for administrative rules and regulations; to provide for enforcement; to provide qualifications for registration as a ticket broker; to require bonds; to provide for registration fees; to prohibit the resale of tickets to athletic contests or entertainment events within 1,000 feet of the facilities where such contests or events are being held or are to be held; to require ticket brokers to disclose certain information to ticket purchasers; to require a ticket broker who fails to provide tickets after guaranteeing delivery to provide a full refund and pay a refund fee to the purchaser; to provide that a ticket broker who fails to provide a refund and refund fee shall be guilty of a felony; to provide penalties; to limit the number of tickets that a ticket broker may resell in connection with an event; to provide an exception; to provide that a ticket broker shall be prohibited from employing any agents or employees for the purpose of making future purchases of tickets from the owner, operator, lessee, or tenant of the property on which an athletic contest or entertainment event is to be held; to prohibit certain activities in connection with the resale of tickets; to prohibit certain activities in connection with the sale of tickets to events of the 1996 Olympic Games; to provide penalties; to provide that no laws shall prohibit the casual resale of tickets to events for a price equal to or less than the price printed on the tickets; to provide that business license requirements shall not apply to casual resales; and to provide that no provision of this act shall limit or prohibit the owner, operator, lessee, or tenant of the property on which an athletic contest or entertainment event is being held or the sponsor of such a contest or event from having policies, rules, or regulations respecting the sale or resale of tickets to the contest or event.

COMMITTEE ON JUDICIARY

By Representative Morrow:

H. 793. Prohibiting the sale or offer for sale of a ticket to an athletic or other entertainment event for an excessive price and prescribing penalties for violations, effective August 1, 1995.

COMMITTEE ON JUDICIARY

By Representative Knight (J):

H. 794. To amend Section 36-7-21, Code of Alabama 1975; to provide that institutions of higher learning may prepay travel expenses.

COMMITTEE ON STATE ADMINISTRATION

By Representative Box:

H. 795. Relating to sewers or sewer system assessments; to prohibit foreclosure for delinquent sewer or sewer system assessments when a person is in residence on the property.

COMMITTEE ON JUDICIARY

By Representatives Gaines, Petelos, and Curry (With Notice and Proof):

H. 796. To repeal Act No. 93-927, H. 52, First Special Session 1993 (First Special Session Acts 1993, p. 245), which relates to procedures for converting prior service to creditable service in the retirement system in Jefferson County.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 796, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Clouse and Curry:

H. 797. To amend Section 34-30-22, Code of Alabama 1975, to provide for the qualifications for a licensed bachelor social worker.

COMMITTEE ON STATE ADMINISTRATION

By Representative Gaines:

H. 798. Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Heart Association; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Jorgensen, Sanderford, Hinshaw, Haney, and Papucci:

H. 799. Relating to exemptions from taxation; to repeal Section 40-9-2 of

the Code of Alabama 1975, providing an exemption from filing an annual personal property exemption claim; and to repeal Section 40-9-25 of the Code of Alabama 1975, providing a sales and use tax exemption to the George Lindsey Celebrity Benefit, Inc., and the Alabama Special Olympics, or any predecessor organizations or entities.

COMMITTEE ON WAYS AND MEANS

By Representatives Carothers, Seibenhener, Clouse, and Baker (With Notice and Proof):

H. 800. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Houston County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 800, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McKee, Wren, Hooper, Carns, Sanderson, Townsend, Willis, Layson, Laird, Dolbare, Gaston, and Dean:

H. 801. To amend Section 125 of the Constitution of Alabama of 1901, to require an affirmative vote of two-thirds of the members elected to each body of the Legislature in order to override a veto by the Governor.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representatives Rogers (J), McAdory, Houston, Payne, Johnson (E), Minnifield, Perdue, Petelos, Curry, Morton, Gaines, Hawkins, Spratt, Hilliard, Newton (D), Thomas (J), Maull, Knight (J), and Kennedy:

H. 802. To make an appropriation from the Alabama Special Educational Trust Fund during the 1994-95 fiscal year the amount of two hundred fifty thousand dollars (\$250,000) to the Friends of Rickwood Field, a 501 (c)(3) organization for certain educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 803. To amend Sections 40-2A-5, 40-2A-7, 40-2A-9, 40-2A-10, and

40-2A-11, Code of Alabama 1975; to provide further for the administrative procedures and operations of the Department of Revenue.

COMMITTEE ON STATE ADMINISTRATION

By Representative Rogers (J) (With Notice and Proof):

H. 804. Relating to Jefferson County; to require that the Jefferson County Personnel Board include in the scoring of employment tests only those job-related factors that objectively measure the relative qualifications of competing applicants and promotion candidates and that are not discriminatory and require that the certification list reflects the racial and gender composition of the qualified applicant pool.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 804, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dolbare:

H. 805. Proposing an amendment to the Constitution of Alabama of 1901, ratifying and confirming the results of a referendum election held in 1994 in Washington County pursuant to Amendment No. 269 to this Constitution.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Box, Knight (A), Clark (J), Kennedy, Spratt, Houston, Petelos, Gaines, Hill, Parker (T), and Newton (D):

H. 806. To amend Sections 40-2A-5, 40-2A-7, 40-2A-9, 40-2A-10, and 40-2A-11, Code of Alabama 1975; to provide further for the administrative procedures and operations of the Department of Revenue.

COMMITTEE ON JUDICIARY

By Representative Knight (J):

H. 807. To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of probate judge, and to provide for an effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Rogers (J), McAdory, Houston, and Hilliard (With Notice and Proof):

H. 808. Relating to Jefferson County; levying an additional one percent lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau for the promotion of Birmingham and Jefferson County as a convention, sports event, and visitors' destination.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 808, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Thomas (D), McKee, Hooper, Sanderson, Crigler, Dean, Wren, Sims, and Willis:

H. 809. To prohibit the use of state and local law enforcement funds for background checks under the federal Brady Act; to eliminate special taxes imposed by law enforcement officials upon persons seeking to purchase a handgun; to provide for the destruction of unnecessary records; and to provide for penalties.

COMMITTEE ON JUDICIARY

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 591, were temporarily carried over at the request of Representative Venable.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 607, were temporarily carried over at the request of Representative Turner.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 662, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Venable, Warren, White and Willis.

-67

And the bill:

H. 662. Relating to Marion County; to amend Section 2 of Act No. 80-128, H. 603, 1980 Regular Session (Acts 1980, p. 191), to provide for the sale or disposal of property under the control of the county commission to a municipal or other governmental entity in the county without the necessity of public auction or sealed bids.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morton, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Petelos, Pringle, Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Vance and Venable.

-63

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Starkey, the Budget Isolation Resolution relating to the bill, H. 665, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hayden, Hill, Hilliard, Holmes, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Rogers (M), Sims, Smith, Spratt, Starkey, Venable, Willis and Wren.

-62

And the bill:

H. 665. Relating to Lauderdale County; to amend the title and Section 7 of Act No. 86-411, H. 772 of the 1986 Regular Session (Acts 1986, p. 599), relating to allocation and distribution of the lodging tax; to provide further for the allocation and distribution of the lodging tax; and to establish a tourism board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McMillan, Melton, Millican, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Vance, Venable, Willis and Wren.

-69

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, S. 433, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Carothers, Carter, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Vance, Venable, Willis and Wren.

-66

And the bill:

S. 433. Relating to Morgan County, to propose an amendment to the Constitution of Alabama of 1901, to authorize the Morgan County Commission to continue to levy a county-wide 4.3 mill and 1.5 mill ad valorem tax as originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the benefit of all public schools in Morgan County.

was read a third time at length and passed.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Willis and Wren.

-75

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, S. 438, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

-77

And the bill:

S. 438. Relating to Morgan County; to authorize the Morgan County Commission to continue to levy a four mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the benefit of the Hartselle city schools.

was read a third time at length and passed.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Collins, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, Willis and Wren.

-73

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, S. 440, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

-73

And the bill:

S. 440. Relating to Morgan County; to authorize the Morgan County Commission to continue to levy a 3.6 mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the Decatur public schools.

was read a third time at length and passed.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Willis and Wren.

-74

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, S. 441, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-75

And the bill:

S. 441. Relating to Morgan County, to authorize the Morgan County Commission to continue to levy a four mill ad valorem tax originally authorized by the people on January 17, 1967 and scheduled to expire on September 30, 1995, for the benefit of the schools under the jurisdiction of the Morgan County Board of Education.

was read a third time at length and passed.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Vance, Venable, Warren, Willis and Wren.

-71

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Spratt, the Budget Isolation Resolution relating to the bill, H. 602, was adopted.

Yeas 64; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carothers, Carter, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hayden, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Letson, Maull, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Morrison, Murphree, Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-64

Nay:

Representative Sanderson.

- 1

And the bill:

H. 602. (With Amendment): Relating to any Class 1 municipality; to provide after a referendum election on the subject, for the election of the city board of education from four single-member districts with the chair elected from a fifth district extending throughout the city; to provide for the date of the referendum and board election; and to provide for the qualifications of candidates and the terms of office of elected board members.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. 602 on Page 3, Section 6, line 21 by adding the following language after the word "board".

"If the board fails to fill the vacancy within sixty days, the vacancy shall be filled by appointment by the Mayor."

SUBSTITUTE OFFERED

Representative Curry offered the following substitute to the bill, H. 602, and to the pending committee amendment:

A BILL
TO BE ENTITLED
AN ACT

Relating to any Class 1 municipality; to provide after a referendum election on the subject, for the election of the city board of education from four single-member districts with the chair elected from a fifth district extending throughout the city; to provide for the date of the referendum and board election; and to provide for the qualifications of candidates and the terms of office of elected board members.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply to any Class 1 municipality. If the reorganization of the city board of education under this act has been first approved by a majority of the electors of the municipality participating in a special referendum called pursuant to Section 7 of this act, an election to elect the district members of the reorganized city board of education shall be held on the date of the first municipal, general, special, or primary election occurring after 90 days following the approval of the reorganization of the city board of education pursuant to Section 7 of this act.

Section 2. The city board of education of any Class 1 municipality reorganized under this act shall consist of four members elected from four equal-population single-member districts established by the city council, and from a fifth district consisting of the entire city. Each shall be elected by a majority of the electors voting in each district.

Section 3. Each member of a board reorganized under this act shall have been a resident and qualified elector of the district from which elected for at least one year at the time of the election and shall continue to be a resident during the term of office.

Section 4. The method for qualifying as a candidate for a city board of education reorganized under this act and the conduct of elections shall be the same as for the election of the members of the city council, including the provision for a second election when no candidate obtains a majority of votes in the first election.

Section 5. Members of a reorganized board of education shall take office at noon on the fourth Tuesday of the month immediately following the month in which the first board election is held. The initial term of office of the member elected to the at-large position of Place #5, the member elected to Place #1, and the member elected to Place #3 shall extend until noon on the fourth Tuesday of November of the year in which city council elections are held. The initial term of office of the members elected to Place #2 and Place #4 shall extend until noon on the fourth Tuesday of November two years following the year city council elections are held. Thereafter, the terms of the members elected to Place #5, Place #1, and Place #3

shall be for four years ending at noon on the fourth Tuesday in November of the years in which city council elections are held. The terms of the members elected to Place #2 and Place #4 shall be for four years ending on the fourth Tuesday of November two years following the year city council elections are held. No member may be elected for more than two successive four year terms. The board shall elect from its membership a vice chair. The vice chair shall serve for a two year term. The board shall adopt rules to govern its proceedings. A majority of the membership of the board shall constitute a quorum for all meetings.

Section 6. Vacancies occurring on the board shall be filled temporarily by appointment of a resident of the district from which the vacancy occurred by a majority of the remaining members of the board. If the board fails to fill the vacancy within sixty days, the vacancy shall be filled by appointment by the Mayor. At the next municipal election, the position shall be filled by election for the remainder of the term. If a member moves outside the district, the position shall be considered vacant and shall be filled as provided for vacancies. The changing of district lines by reason of redistricting to conform to the most recent Federal Decennial Census shall not be deemed to cause a vacancy during a term of office.

Section 7. (a) The reorganization of the city board of education provided in this act shall become effective only if first approved by a majority of the qualified electors of the Class 1 municipality who vote at a referendum election held for that purpose. The referendum election shall be held, conducted, and subject to contest in the same manner as municipal bond elections, as provided for in Sections 11-81-53 to 11-81-61, inclusive, Code of Alabama 1975, except as otherwise provided herein. Within 45 days after approval of this act and the election and districting provisions of this act by the United States Department of Justice, the city governing body of the Class 1 municipality shall call a referendum election to be held not less than 30 days or more than 60 days thereafter.

(b) Notice of the election shall be given by the city governing body of the municipality by notice published in a newspaper of general circulation in the city once a week for three successive weeks before the day of the election.

(c) On the ballots to be used at the election the proposition to be voted on shall be stated substantially as follows:

"Do you favor the reorganization of the board of education of the City of (name of city) under Act No. ____ with five members, four elected from a separate district and one, the chair, elected from the city at-large? ____ Yes ____ No?"

(d) If a majority of the votes cast at the election are affirmative votes, the board of education of the Class 1 municipality shall be reorganized as provided in this act and its members elected as provided for in this act. If a majority of the votes cast are in the negative, the city board of education shall not be reorganized under this act. The governing body of the municipality shall certify the results of the election to the city clerk of the city, the judge of probate of the county in which the principal office of the Class 1 municipality is situated, and the Secretary of State.

(e) Should the city governing body fail to call a referendum election as provided in subsection (a) within the 45-day period provided therein, the judge of probate of the county in which the principal offices of the municipality are situated shall call the election by order entered within 14 days thereafter, and perform all election functions otherwise required by this act to be performed by the governing body of the Class 1 municipality and by Sections 11-81-53 to 11-81-61, inclusive, Code of Alabama 1975.

Section 8. The provisions of this act are supplemental and shall be construed in pari materia with other laws applicable to city boards of education in any Class 1 city board of education. Those laws or parts of laws in direct conflict or inconsistent with this act are superseded by this act.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute offered by Representative Curry was adopted.

Yeas 60; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Box, Boyd, Buskey, Carns, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hawkins, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, McKee, Melton, Minnifield, Mitchell, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Warren, Willis and Wren.

-60

And the bill:

H. 602. Relating to any Class 1 municipality; to provide after a referendum election on the subject, for the election of the city board of education from four single-member districts with the chair elected from a fifth district extending throughout the city; to provide for the date of the referendum and board election; and to provide for the qualifications of candidates and the terms of office of elected board members.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 57; Nays 4.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clouse, Crigler, Dean, Dolbare, Drake, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), McAdory, McClammy, McKee, Melton, Minnifield, Morrison, Murphree, Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Warren, Willis and Wren.

-57

Nay:

Representatives Gaines, Hawkins, Morton and Sanderson.

- 4

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, H. 673, was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carothers, Carter, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, McKee, McMillan, Melton, Minnifield, Mitchell, Morton, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Turner, Vance, Venable, Warren, Willis and Wren.

-65

And the bill:

H. 673. Relating to Lauderdale County; providing authority for a county personnel system adopted by the Lauderdale County Commission; and providing for the authority of the county to implement policies and procedures for the county, county employees, and employees of elected officials.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Boyd, Buskey, Carter, Collins, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hayden, Hill, Hilliard, Hogan, Jackson, Jorgensen, Kennedy, Knight (A), Layson, Maull, McClammy, McKee, McMillan, Melton, Minnifield, Mitchell, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, White, Willis and Wren.

-64

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, H. 674, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carothers, Carter, Collins, Crigler, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Maull, McAdory, McClammy, McKee, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-76

And the bill:

H. 674. Relating to Lauderdale County; to amend Section 3 of Act No. 586, H. 717 of the 1965 Regular Session (Acts 1965, p. 1095) creating a civil service board of appeals, to provide for membership of the civil service board of appeals; and to specifically repeal Act No. 1695, H. 2263 of the 1971 Regular Session (Acts 1971, p. 2852), creating a civil service board in counties having a population of not less than 65,500 nor more than 75,200 according to the most recent or any subsequent federal decennial census.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Box, Boyd, Buskey, Carns, Carter, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Layson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Willis and Wren.

-65

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, S. 34, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Buskey, Collins, Crigler, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), McClammy, McKee, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Turner, Vance, Venable, Willis and Wren.

-62

And the bill:

S. 34. Relating to Madison County; providing for an additional expense allowance and for the salary of the coroner.

was read a third time at length and passed.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Buskey, Carter, Clouse, Crigler, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), McClammy, Melton, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Papucci, Parker (P), Perdue, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Smith, Spratt, Starkey, Vance, Willis and Wren.

-57

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, H. 699, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, McAdory, McClammy, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White and Willis.

-71

And the bill:

H. 699. Relating to Tuscaloosa County; to provide that the bailiffs for the Sixth Judicial Circuit of Alabama shall be authorized and allowed to participate in law enforcement minimum standard training; and to authorize leaves of absence for the bailiffs for the purposes provided for in this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), McAdory, McClammy, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-74

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Melton intended to vote "Yea" on passage of the bill, H. 699.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Hinshaw to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 703, was lost, lacking a four-fifths vote.

Yeas 8; Nays 5.

Yea:

Representatives Ford, Guin, Hall (A), Hinshaw, Jorgensen, Papucci, Robinson and Sanderford.

- 8

Nay:

Representatives Boyd, Hall (L), Hayden, Jackson and Minnifield.

- 5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 219. COMMENDING PATRICIA HICKS OF SATSUMA, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENTS.

Also:

H.J.R. 220. COMMENDING EDWARD P. DOMBROWSKI FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H.J.R. 222. MOURNING THE DEATH OF GLORIA FINEBAUM OF BIRMINGHAM, ALABAMA.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Sanderford:

H.R. 246. HONORING DR. HARRISON MCMAINS OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HIS 90TH BIRTHDAY.

Also:

The following resolutions were introduced:

By Representative Sanderford:

H.J.R. 247. HONORING DR. HARRISON MCMAINS OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HIS 90TH BIRTHDAY.

The resolution, H.J.R. 247, was read and referred to the Standing Committee on Rules.

Also:

By Rules Committee:

H.R. 248. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 16th legislative day, Tuesday, June 13, 1995, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 110 - By Hill	9
Uniform Commercial Code, negotiable instruments, bank deposits, and collections, existing articles repealed and replaced, numerous secs. Title 7 am'd, Secs. 7-3-101 to 7-3-805 and 7-4-101 to 7-4-504 repealed	
H. 65 - By Page (As Amended and Substituted)	73
Public Safety, Motor Vehicle Replacement Fund, replace departments law enforcement motor vehicles	
H. 657 - By Turner	90
Wrongful death action of a child, recovered damages distributed according to laws of intestate succession, Sec. 6-5-391 am'd.	
H. 138 - By Johnson (R)	17
Pharmacies, prohibited acts and offenses, further provided for, Sec. 34-23-33 am'd.	
H. 664 - By Carothers	93
Service contracts, extended warranties, not considered insurance contracts	
H. 627 - By Kennedy	75
Letter carriers, distinc. license plate auth.	

Immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be made the special and paramount continuing order of business following the foregoing limited debate bills, beginning the 16th legislative day, Tuesday, June 13, 1995, and continuing on the 17th legislative day, Wednesday, June 14, 1995. The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

Inst Id	Page
H. 543 - By Hammett	47
Credit transactions, Mini-Code extensively amended, late charges finance charges on consumer loans and credit sales, Secs. 5-19-3 5-19-4, 5-19-6, 5-19-11, 5-19-16, 5-19-19, 5-19-20, 5-19-21, 5-19-24 am'd.	
H. 550 - By Knight (A) (As Substituted)	65
Optometry; practice of regulated, dispensing of drugs, auth., Secs. 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, 34-22-43 am'd.	
H. 498 - By Lindsey (As Substituted)	49
Real property, cause of action estab. for owners of real prop. which has been reduced in value because of a rule or regulation	
H. 314 - By Allen	43
Evidence, physical, admissible if break chain of custody, weight by jury	
H. 313 - By Dean (As Substituted)	43
Bail, after conviction	
H. 437 - By Letson	55
Juveniles under 14, capital offenses, transfer to adult ct., Sec. 12-15-34 am'd.	
H. 462 - By Parker (T) (As Amended and Substituted)	20
Motor vehicles, seizure of vehicle driven by person with suspended driver's license, procedures, distrib. of fees, penalties	

H. 194 - By Turner 5

Candidates for cert. judicial offices, disclosure statements, req., penalties provided

H. 350 - By McDaniel 4

Health insurance, retired education employees, incr. in contributions, Sec. 16-25A-17 am'd.

H. 600 - By Haney (As Amended) 100

Attorney General, office of, personnel and fiscal operations, further provided for, numerous code sections amended and repealed

H. 199 - By McDaniel 77

Aviation fuel tax, cap on collection incr., Sec. 40-17-31 am'd.

H. 535 - By Knight (A) (As Amended) 66

Mandatory garbage collection, imposed in cos. and muns., Secs. 22-27-1, 22-27-2, 22-27-3, 22-27-5, 22-27-48 am'd.; Secs. 22-27-4, 22-27-6, 22-27-7 repealed

On motion of Representative Carter, the resolution, H.R. 248, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 233. To provide for a FY 1994-95 supplemental General Fund appropriation in the amount of \$9,565,000 to various state agencies; to reduce the FY 1994-95 General Fund appropriation to various state agencies by \$2,350,433; to remove an earmarking of \$300,000 for Department of Corrections; to provide for a supplemental appropriation to the Department of Corrections for \$4,500,000 from Corrections' Miscellaneous Revenues; to provide specification for the Department of Aeronautics appropriations; to provide a supplemental appropriation in the amount of \$15,000 from the Social Work Examiners Fund to the Board of Social Work Examiners; to provide a supplemental appropriation of \$60,000 from the Veterinary Medical Examiners Fund to the Board of Veterinary Medical Examiners; to provide a supplemental appropriation to the Alabama Department of Transpor-

tation in the amount of \$21,604,827 from the Public Road and Bridge Fund; to provide for a supplemental appropriation to the Department of Public Safety in the amount of \$1,500,000 from Public Road and Bridge Fund and in the amount of \$400,000 from the Automated Fingerprint Identification System Fund for the fiscal year ending September 30, 1995; to provide a supplemental appropriation to the Tennessee Valley Exhibit Commission in the amount of \$110,000 from the TVA Exhibit Commission Fund; to provide a supplemental appropriation to the Home Builders Licensure Board from the Home Builders Recovery Fund in the amount of \$300,000; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$424,362; to reduce the FY 1993-94 Capital Outlay General Fund appropriation to the Alabama Indian Affairs Commission by \$150,000; to reduce the FY 1992-93 Capital Outlay General Fund appropriation to the Farmers' Market Authority by \$85,205; to amend Act 94-486, specifically deleting the Unified Judicial System conditional appropriation language; to amend Act 94-486, specifically the appropriation for the Alabama Agriculture Museum Board to clarify the purposes for which the appropriation was made; to provide a supplemental appropriation to the Alabama Board of Athletic Trainers from the Athletic Trainers Fund in the amount of \$35,000; to remove the requirement of a \$2,000,000 transfer from the Alcoholic Beverage Control Board to the Department of Public Safety; to provide a supplemental appropriation to the Alabama Historical Commission from the Alabama State Historical Preservation Fund in the amount of \$250,000; to provide for a conditional appropriation of an amount up to \$300,000 to the Department of Transportation from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically the Public Service Commission, under Administrative Services Program by increasing the transfer to the State General Fund, increasing the appropriation to the Administrative Services Program and increasing the appropriation from the Public Service Commission Fund to the Public Service Commission; to provide for a first priority conditional appropriation of \$2,500,000 to the Department of Human Resources from the State General Fund for the fiscal year ending September 30, 1995; to amend Act 94-486, specifically amending the conditional appropriation language under the Department of Human Resources; to provide for restrictions on inter-agency transfers, of any type, of any of the funds appropriated under the provisions of this act; and to provide for an effective date.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Barron, Freeman, and Sanders.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 231. INVITING DANIEL S. GOLDIN, ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 92. To provide for the return to service of persons retired from the Employees' Retirement System subject to certain limitations; to provide for certain retirees who are elected to public office to continue to draw certain benefits under certain conditions; to amend Section 16-25-1, Code of Alabama 1975, to provide further for definitions under the Teachers' Retirement System; to amend Section 16-25-20, Code of Alabama 1975, to provide for the investment advisor to the Board of Control of the Teachers' Retirement System; to amend Section 16-25-26, Code of Alabama 1975, to provide for the same return to service requirements under the Teachers' Retirement System provided for persons retired under the Employees' Retirement System; to amend Section 36-27-1, Code of Alabama 1975, to provide further for definitions under the Employees' Retirement System; and to amend Section 36-27-25, Code of Alabama 1975, to provide further for investments and the investment advisor for the Employees' Retirement System.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Hall (A) to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 703, was lost, lacking a four-fifths vote.

Yeas 6; Nays 4.

Yea:

Representatives Hall (A), Haney, Hinshaw, Jorgensen, Papucci and Sanderford.

- 6

Nay:

Representatives Hall (L), Hayden, Hilliard and Maull.

- 4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 497. Relating to the City of Muscle Shoals in Colbert County; establishing a civil service system and providing for classified services; establishing a personnel board and providing for the appointment, term, and powers of board members; providing for the establishment of a register and filling of vacancies; and providing for penalties.

Also:

H. 514. Relating to Marion County; authorizing the sheriff to operate a jail canteen; authorizing the sheriff to retain profits accruing from the pay telephones, vending machines, and canteen in the county jail in a special fund to be used by the sheriff for law enforcement purposes; and confirming and ratifying certain prior actions.

Also:

H. 545. Relating to Etowah County; to provide for the establishment of the Etowah County Community Development Committee; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and

filling vacancies; to provide for the terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

Also:

H. 546. Relating to Sumter County; to repeal Act No. 85-471, H. 754 of the 1985 Regular Session (Acts 1985, p. 465), providing supplemental fee allowances for constables and for additional court costs.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 432. Relating to Washington County; providing for the assessment of an additional fee on all documents submitted for recording in the Probate Court which are subject to a deed or mortgage tax; and providing for the deposit of the funds into the Washington County General Fund on a monthly basis to be used for general county purposes including, but not limited to, computerization of county courthouse functions.

Also:

H. 452. Relating to Greene County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

Also:

H. 485. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

Also:

H. 486. To repeal Act No. 323, H. 514, 1975 Regular Session, relating to compensation increases for certain employees of the Sheriff's Department in Tuscaloosa County.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1. Relating to Washington County; requiring the Washington County Tax Collector to be responsible for all delinquent tax collections.

Also:

H. 284. Relating to Autauga County; relating to the compensation and expense allowance for the Sheriff of Autauga County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office of the sheriff.

Also:

H. 302. Relating to Tuscaloosa County; amending Sections 1 and 2 of Act No. 81-936, H. 50, 1981 First Special Session, as amended, providing for the expense allowance and salary of the Sheriff of Tuscaloosa County.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 110, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

And the bill:

H. 110. Relating to Title 7 of the Code of Alabama 1975, the Uniform Commercial Code; to repeal the current Article 3 and provide for a new Article 3 regarding Negotiable Instruments and to provide for all of the following: short title, subject matter, definitions, negotiable instrument, issue of instrument, unconditional promise or order, instrument payable in foreign money, payable on demand or at definite time, payable to bearer or to order, identification of person to whom instrument is payable, place of payment, interest, date of instrument, contradictory terms of instrument, incomplete instrument, joint and several liability and contribution, other agreements affecting instrument, statute of limitations, notice of right to defend action, negotiation, negotiation subject to rescission, transfer of instrument and rights acquired by transfer, indorsement, special indorsement, blank indorsement, anomalous indorsement, restrictive indorsement, reacquisition, person entitled to enforce instrument, holder in due course, value and consideration, overdue instrument, defenses and claims in recoupment, claims to an instrument, notice of breach of fiduciary duty, proof of signatures and status as holder in due course, enforcement of lost, destroyed, or stolen instrument, effect of instrument on obligation for which taken, accord and satisfaction by use of instrument, lost, destroyed, or stolen cashier's check, teller's check, or certified check, signature, signature by representative, unauthorized signature, imposters and fictitious payees, employer's responsibility for fraudulent indorsement by employee, negligence contributing to forged signature or alteration of instrument, alteration, drawee's liability on unaccepted draft, acceptance of draft and certified check, acceptance varying draft, refusal to pay cashier's checks, teller's checks, and certified checks, obligation of issuer of note or cashier's check, obligation of acceptor, obligation of drawer, obligation of indorser, transfer warranties, presentment warranties, payment or acceptance by mistake, instruments signed for accommodation, conversion of instrument, presentment, dishonor, notice of dishonor, excused presentment and notice of dishonor, evidence of dishonor, discharge and effect of discharge, payment, tender of payment, discharge by cancellation or renunciation, discharge of indorsers and accommodation parties; also relating to Title 7 of the Code of Alabama 1975, the Uniform Commercial Code, to repeal the current Article 4 and provide for a new Article 4 regarding Bank Deposits and Collections and to provide for all of the following: short title, applicability, variation by agreement, measure of damages, action constituting ordinary care, definitions and index of definitions, bank, depository bank, payor bank, intermediary bank, collecting bank, presenting bank, payable through or payable at bank, collecting bank, separate office of bank, time of receipt of items, delays, electronic presentment, statute of limitations, status of collecting bank as agent and provisional status of credits, applicability of article, item indorsed pay any bank, responsibility for collection or return, when action timely, effect of instructions, methods of sending and presenting, sending directly to payor bank, depository bank holder of unindorsed item, transfer between banks, transfer warranties, presentment warranties, encoding and retention warranties, security interest of collecting bank in items, accompanying documents and proceeds, when bank gives value for purposes of holder in due course, presentment by notice of item not payable by, through, or at bank, liability of drawer or indorser, medium

and time of settlement by bank, right of charge-back or refund, liability of collecting bank, return of item, final payment of item by payor bank, when provisional debits and credits become final, when certain credits become available for withdrawal, insolvency and preference, deferred posting, recovery of payment by return of items, time of dishonor, return of items by payor bank, payor bank's responsibility for late return of item, when items subject to notice, stop-payment order, legal process, setoff, order in which items may be charged or certified, when bank may charge customer's account, bank's liability to customer for wrongful dishonor, time of determining insufficiency of account, customer's right to stop payment, burden of proof of loss, bank not obliged to pay check more than six months old, death or incompetence of customer, customer's duty to discover and report unauthorized signature or alteration, payor bank's right to subrogation on improper payment, handling of documentary drafts, duty to send for presentment and to notify customer of dishonor, presentment of on arrival drafts, responsibility of presenting bank for documents and goods, report of reasons for dishonor, referee in case of need, privilege of presenting bank to deal with goods, and security interest for expenses; to repeal Section 5-5A-34 of the Code of Alabama 1975, regarding payment of postdated checks; to amend Section 5-19-5 of the Code of Alabama 1975, relating to the acceptance of certain negotiable instruments as evidence of consumer debt to alter the types of instruments that may be accepted; to amend Section 6-2-2 of the Code of Alabama 1975, regarding the applicability of the chapter concerning limitations of actions to specify the chapter shall not apply to certain negotiable instruments; to amend Section 7-1-201 of the Code of Alabama 1975, relating to certain defined terms under the Uniform Commercial Code to define holder, money, unauthorized signature, and value; to amend Section 7-1-207 of the Code of Alabama 1975, regarding performance or acceptance under reservation of rights to specify the section does not apply to an accord and satisfaction; to amend Section 7-2-103 of the Code of Alabama 1975, to conform the internal citation of the term dishonor to this act; to amend Section 7-2-511 of the Code of Alabama 1975, to conform an internal citation regarding the effect of an instrument on an obligation to this act; to amend Section 7-5-103 of the Code of Alabama 1975, relating to definitions regarding letters of credit to conform an internal citation concerning the term accept or acceptance to this act; to amend Section 7-9-105 of the Code of Alabama 1975, relating to certain definitions concerning security interests to conform an internal citation to this act; to amend Section 7-9-203 of the Code of Alabama 1975, relating to attachment and enforceability of a security interest to conform an internal citation to this act and to specify application to a security interest arising under the article on leases; to amend Section 7-9-206 of the Code of Alabama 1975, relating to agreement not to assert defenses against assignee to conform the reference to Article 3 of Title 7 to this act; to amend Section 7-9-302 of the Code of Alabama 1975, regarding when a financing statement is required so as to conform an internal citation to this act; to amend Section 7-9-312 of the Code of Alabama 1975, relating to priorities among conflicting security interests in the same collateral to conform an internal citation to this act; and to provide a prospective effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-85

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Crigler intended to vote "Yea" on passage of the bill, H. 110.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, H. 65, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

-87

And the bill:

H. 65. (With Substitute) (With Amendment): Relating to the Department of Public Safety; to establish the Motor Vehicle Replacement Fund to replace the Department of Public Safety law enforcement motor vehicles.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Department of Public Safety; to establish the Public Safety Motor Vehicle Replacement Fund to replace the Department of Public Safety law enforcement motor vehicles.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby created in the State Treasury the Public Safety Motor Vehicle Replacement Fund of the Alabama Department of Public Safety. This fund shall assist in providing the necessary funds to replace the Department of Public Safety law enforcement motor vehicles. Vehicles purchased from funds appropriated from the Public Safety Motor Vehicle Replacement Fund shall be used specifically for law enforcement purposes. None of the funds appropriated from this fund may be expended by the Department for salaries nor for any purpose other than the purchase of law enforcement vehicles.

Section 2. Any funds created from depreciation, equipment replacement allowance, and salvage value for replacement of law enforcement motor vehicles in the department shall be deposited in the Public Safety Motor Vehicle Replacement Fund created pursuant to Section 1 of this act; however the expenditure of any monies appropriated from this fund shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975. These funds shall not revert at the end of each fiscal year, but shall be carried over to each succeeding fiscal year.

Section 3. The Department of Public Safety may not transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that department nor shall vehicles be transferred to be used for any other purpose in that department nor transferred to any other state agency. Whenever the Department of Public Safety intends to purchase vehicles, the Director shall provide written notification to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-General Fund at

least ten (10) days prior to the purchase. Such notification shall include the number of vehicles, the cost of those vehicles and the designated purpose for those vehicles.

Section 4. Any other provisions to the law contrary notwithstanding, the Director of the Department of Public Safety shall be responsible for the disposal of any Department of Public Safety law enforcement vehicle. Such vehicle shall be sold by the Director or his designee either at public auction or by a negotiated sale by the Department of Public Safety to any other state department or agency. Any state department or agency may negotiate for the purchase of the vehicle for their use in compliance with state law.

Every proposal to make a sale at public auction shall be advertised for at least two weeks in advance of the date fixed for the auction. Such advertisement shall appear at least once a week for two consecutive weeks in a newspaper of general circulation in the county where the sale is to be made, and a copy of such proposal shall simultaneously be posted on a readily accessible public bulletin board at the main office of the Department of Public Safety. Advertisements for auctions shall state the item or items to be sold, by class and description, where the property is located and the dates, time, and place the property may be inspected. The advertisements shall further state the date, time, and place of auction. All property advertised under the provisions of this section shall be available for inspection during the normal state office hours, and at whatever place advertised for at least 48 hours prior to sale.

All property sold under the provisions of this section shall be paid for by the purchaser or his representative by cashier's check, bank draft, certified check, U.S. currency, or notarized bank letter stating that the holder may purchase surplus property and also stating a maximum amount, at the time of acceptance of bid and award of contract, and said removal shall be not later than seven days after the awarding of the contract.

No officer or employee of the state of Alabama or any of its departments, boards, bureaus, commissions, institutions, corporations, or agencies shall act as agent for any bidder; provided, however, that such officers or employees shall not be excluded from bidding on or purchasing state property at public sale.

Any sale made in violation of the terms of this section shall be null and void, and the person or persons responsible for the violation shall be subject to liquidated damages of not less than \$1,000.00 nor more than \$10,000.00, which may be recovered for the state of Alabama by the Attorney General by civil action in the circuit court of Montgomery county. Any moneys recovered by the Attorney General under this section shall be deposited into the State General Fund.

All proceeds from sales made under the provisions of this act, whether at public auction or by negotiation, shall be paid into the Public Safety Motor Vehicle Replacement Fund.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Venable, Warren, White, Willis and Wren.

-84

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Rogers (M):

H.R. 249. HONORING CLARENCE E. AVERY ON THE OCCASION OF HIS 70TH BIRTHDAY.

H. 65 RESUMED

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 65 as substituted on page 5 after line 16 by inserting the following new Section 5 and renumbering subsequent sections accordingly:

"Section 5. The funds designated by this bill to be deposited to the Motor Vehicle Replacement Fund are intended to be in addition to the \$3.5 million

transferred annually to the Department of Public Safety from the Public Road and Bridge Fund pursuant to Act 91-797. Effective October 1, 1995 funds transferred to the Department of Public Safety pursuant to Act 91-797 shall be expended for the purchase of equipment for traffic law enforcement, as provided by that act. Such equipment shall include motor vehicles and related equipment only."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-81

AMENDMENT OFFERED

Representative Page offered the following amendment to the bill, H. 65, as amended:

Amend House Bill 65 as substituted and amended on page 1 by deleting lines 12 through 15 and inserting in lieu thereof the following language: "This bill would establish the Public Safety Motor Vehicle Replacement Fund, provide for the purposes and conditions of the appropriation from that fund and provide for an appropriation of two million dollars (\$2,000,000) from the fund to the Department of Public Safety for the fiscal year ending September 30, 1996."

Further amend House Bill 65 as substituted and amended on page 2 line 4 after the word "vehicles" by inserting the following language: "and to provide for an appropriation to the Department of Public Safety from the Public Safety Motor Vehicle Replacement Fund in the amount of two million dollars (\$2,000,000) for the fiscal year ending September 30, 1996."

Further amend House Bill 65 as substituted and amended on page 5 after line 16 by inserting the following new Section 5 and renumbering subsequent sections accordingly:

"Section 5. In addition to any and all other funds heretofore or hereinafter appropriated to the Department of Public Safety, there is hereby appropriated the sum of two million dollars (\$2,000,000) from the Motor Vehicle Replacement Fund for the fiscal year ending September 30, 1996."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-82

And the bill:

H. 65. Relating to the Department of Public Safety; to establish the Public Safety Motor Vehicle Replacement Fund to replace the Department of Public Safety law enforcement motor vehicles and to provide for an appropriation to the Department of Public Safety from the Public Safety Motor Vehicle Replacement Fund in the amount of two million dollars (\$2,000,000) for the fiscal year ending September 30, 1996.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes,

Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-84

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 68. Relating to bicycle safety; to require helmet protection for certain persons riding on bicycles under certain conditions; and to provide for bicycle safety education, and supervision.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 657, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White, Willis and Wren.

-89

And the bill:

H. 657. To amend Section 6-5-391, Code of Alabama 1975, to further provide for the distribution of any damages recovered in a wrongful death action involving a minor child.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-90

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 138, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, White, Willis and Wren.

-88

And the bill:

H. 138. To amend Section 34-23-33, Code of Alabama 1975, to provide further for certain prohibited acts and offenses for licensed pharmacists and the disciplinary authority of the board of pharmacy.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, White, Willis and Wren.

-85

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 664, was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-95

And the bill:

H. 664. To provide that a service contract, extended warranty, or other written agreement purchased for an additional cost to maintain, repair, or replace tangible property over a fixed period of time shall not be deemed an insurance contract.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, White, Willis and Wren.

-83

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 602. Relating to any Class 1 municipality; to provide after a referendum election on the subject, for the election of the city board of education from four single-member districts with the chair elected from a fifth district extending throughout the city; to provide for the date of the referendum and board election; and to provide for the qualifications of candidates and the terms of office of elected board members.

TOMMY CARTER
Chairman

And the bill, H. 602, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 627, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-82

And the bill:

H. 627. Providing for distinctive motor vehicle license tags or plates for persons employed or retired as United States postal carriers; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; and providing for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-84

Nay:

Representative Townsend.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hall (L) intended to vote "Yea" on passage of the bill, H. 627.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 627:

Representatives Bandy, Boyd, Clark (J), Crigler, Dolbare, Drake, Ford, Fuller, Gaston, Guin, Hayden, Hilliard, Hinshaw, Hooper, Houston, Jackson, Johnson (E), Knight (A), Maull, McAdory, Melton, Minnifield, Mitchell, Morrison, Newton (D), Papucci, Petelos, Reed, Sanderford, Spratt, Starkey, Thomas (D), Turner, Vance, Warren and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 543, was adopted.

Yeas 84; Nays 1.

Yea:

Representatives Allen, Baker, Black (L), Boyd, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-84

Nay:

Representative Payne.

-1

And the bill:

H. 543. To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," which pertains to consumer credit transactions; to amend Section 5-19-3, to provide that credit sales may be financed at one and one-half percent per month; to amend Section 5-19-4, to permit annual charges for open-end credit plans and loan fees and to increase permissible late charges which may be imposed for late payment; to amend Section 5-19-4, to specify that recording taxes prescribed by law and paid to public officials are within the fees permitted by subsection (f) of Section 5-19-4; to amend Section 5-19-6, to specify the requirement that creditors provide a copy, but not a "duplicate" of any consumer credit agreement with the borrower and to clarify that the type size of the "caution" language shall be in not less than eight-point type; to amend Section 5-19-11, to further specify the 1990 Amendments to that section, restating that a consumer credit contract that violates the Mini-Code is not completely void and unenforceable as a result of the violation; to amend Section 5-19-16, to only allow the unconscionability doctrine as a defense, and not to obtain affirmative relief, and to affirmatively state that a creditor who performs under a contract later determined to be unconscionable, is entitled to restitution; to amend Section 5-19-19, to specify that the imposition of excess charges or fees by creditors under Sections 5-19-4, 5-19-10, and 5-19-20, does not constitute the charging of an excess finance charge for the purposes of Section 5-19-19, and to modify the penalty for a creditor who charges an excess finance charge by first requiring an aggrieved debtor to give notice to the creditor charging an excess finance charge, giving the creditor an opportunity to cure the same without penalty, and to provide that if the creditor fails to act upon the notice, the creditor then forfeits its right to a finance charge and is required to pay any actual damages sustained by the borrower; to amend Section 5-19-20, to specify the ability of creditors to protect their interest in consumer loan collateral by permitting creditors to purchase insurance on the collateral if the borrower fails to do so and to clarify existing law with respect to insuring the lien of the creditor in both purchase money and nonpurchase money transactions, and to give the administrator the power to approve the sale of new credit insurance products; to amend Section 5-19-21, to empower the administrator to issue interpretive rulings concerning the meaning of the Mini-Code or the administrator's regulations and to provide that a creditor is entitled to rely on the administrator's regulations and official interpretive rulings and is immune from suit under the Mini-Code or any other cause of action regarding actions taken in reliance thereon; to amend Section 5-19-24, to provide that examinations and investigations of the State Banking Department and the books and records of licensees in the possession of the State Banking Department, are confidential and not subject to production to persons other than those within the State Banking Department; and to add two

new sections to Title 5, Chapter 19, as follows: Section 5-19-32, to specifically provide for mediation, arbitration, or other alternative dispute resolution devices in consumer credit transactions; and Section 5-19-33, to permit creditors to sell and finance service policies, or both, and to define a service policy as not constituting insurance.

was taken up.

SUBSTITUTE OFFERED

Representative Hammett offered the following substitute to the bill, H. 543:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," which pertains to consumer credit transactions; to amend Section 5-19-3, to provide that credit sales may be financed at one and one-half percent per month; to amend Section 5-19-4, to permit annual charges for open-end credit plans and loan fees and to increase permissible late charges which may be imposed for late payment; to amend Section 5-19-4, to specify that recording taxes prescribed by law and paid to public officials are within the fees permitted by subsection (f) of Section 5-19-4; to amend Section 5-19-6, to specify the requirement that creditors provide a copy, but not a "duplicate" of any consumer credit agreement with the borrower and to clarify that the type size of the "caution" language shall be in not less than eight-point type; to amend Section 5-19-11, to further specify the 1990 Amendments to that section, restating that a consumer credit contract that violates the Mini-Code is not completely void and unenforceable as a result of the violation; to amend Section 5-19-16, to only allow the unconscionability doctrine as a defense, and not to obtain affirmative relief, and to affirmatively state that a creditor who performs under a contract later determined to be unconscionable, is entitled to restitution; to amend Section 5-19-19, to specify that the imposition of excess charges or fees by creditors under Sections 5-19-4, 5-19-10, and 5-19-20, does not constitute the charging of an excess finance charge for the purposes of Section 5-19-19, and to modify the penalty for a creditor who charges an excess finance charge by first requiring an aggrieved debtor to give notice to the creditor charging an excess finance charge, giving the creditor an opportunity to cure the same without penalty, and to provide that if the creditor fails to act upon the notice, the creditor then forfeits its right to a finance charge and is required to pay any actual damages sustained by the borrower; to amend Section 5-19-20, to specify the ability of creditors to protect their interest in consumer loan collateral by permitting creditors to purchase insurance on the collateral if the borrower fails to do so and to clarify existing law with respect to insuring the lien of the creditor in both purchase money and nonpurchase money transactions, and to give the administrator the power to approve the sale of new credit insurance products; to amend

Section 5-19-21, to empower the administrator to issue interpretive rulings concerning the meaning of the Mini-Code or the administrator's regulations and to provide that a creditor is entitled to rely on the administrator's regulations and official interpretive rulings and is immune from suit under the Mini-Code or any other cause of action regarding actions taken in reliance thereon; to amend Section 5-19-24, to provide that examinations and investigations of the State Banking Department and the books and records of licensees in the possession of the State Banking Department, are confidential and not subject to production to persons other than those within the State Banking Department; and to add two new sections to Title 5, Chapter 19, as follows: Section 5-19-32, to specifically provide for mediation, arbitration, or other alternative dispute resolution devices in consumer credit transactions; and Section 5-19-33, to permit creditors to sell and finance service policies, or both, and to define a service policy as not constituting insurance.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 5-19-3 of the Code of Alabama 1975, is amended to read as follows:

"§5-19-3.

"(a) The maximum finance charge for any loan or forbearance and for any credit sale, except under open-end credit plans, may equal but may not exceed the total of the following:

"(1) Fifteen dollars per ~~\$100.00~~ one hundred dollars (\$100) per year for the first ~~\$750.00~~ seven hundred fifty dollars (\$750) of the original principal amount of the loan or amount financed; and.

"(2) Ten dollars per ~~\$100.00~~ one hundred dollars (\$100) per year for that portion of the original principal amount of the loan or original amount financed exceeding ~~\$750.00~~ seven hundred fifty dollars (\$750) and not exceeding \$2,000.00; and.

"(3) Eight dollars per ~~\$100.00~~ one hundred dollars (\$100) per year for that portion of the original principal amount of the loan or original amount financed exceeding ~~\$2,000.00~~ two thousand dollars (\$2,000).

"(b) The maximum finance charge under subsection (a) of this section shall be determined by computing the maximum rates authorized by subsection (a) of this section on the original principal amount of the loan or original amount financed for the full term of the contract without regard to scheduled payments and the maximum finance charge so determined, or any lesser amount, may be added to the original amount financed.

"(c) If the debt is created under an open-end credit plan, the maximum finance charge in connection therewith shall be one and one-half percent per month on the unpaid balance from time to time thereunder.

"(d) A creditor, in connection with any credit sale other than a sale made under an open-end credit plan, may contract for and receive a minimum finance charge not in excess of the following amounts:

"(1) Four dollars on any credit sale in which the amount financed is ~~\$25.00~~ twenty-five dollars (\$25) or less; ~~and~~.

"(2) Six dollars on any credit sale in which the amount financed is more than ~~\$25.00~~ twenty-five dollars (\$25).

"(e) On an open-end credit plan, if there is an unpaid balance on the date as of which the finance charge is applied, a creditor may contract for and receive a minimum finance charge in an amount computed at a rate not exceeding ~~\$.50~~ fifty cents (\$.50) per month.

"(f) In lieu of the finance charges set forth in subsection (a), other than under an open-end credit plan, a creditor may contract for and receive finance charges on any loan of money or credit sale at the rate of not more than one and one-half percent per month as follows:

"(1) Charges shall be computed on unpaid balances of the principal amount outstanding from time to time, for the actual time outstanding. Each payment shall be applied first to accumulated charges and the remainder of the payment applied to the unpaid principal balance, except that if the amount of the payment is insufficient to pay the accumulated charges, unpaid charges continue to accumulate to be paid from the proceeds of subsequent payments and are not added to the principal balance.

"(2) Creditors shall not make charges under this subsection payable in advance, nor may charges be compounded; however, if part or all of the consideration for a new loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under ~~such~~ the new loan contract may include any unpaid charges which have accrued. The resulting loan contract shall be deemed a new and separate loan transaction for all purposes.

"The principal balance of a loan on which charges have been made pursuant to subsection (a) of this section shall be the balance due after refund or credit is given the borrower.

"Borrowers under this subsection may pay in advance the principal balance, including any charges, of a loan contract without penalty.

"For purposes of computing charges for a fraction of a month, a day shall be considered one-thirtieth of a month.

Section 2. Section 5-19-4 of the Code of Alabama 1975, is amended to read as follows:

"§5-19-4.

"(a) When a scheduled payment is in default ~~10 days or more, the creditor may charge and collect or delinquent for 10 or more days,~~ a late charge not exceeding ~~five percent the greater of fifteen dollars (\$15) or five percent of the amount of such the scheduled payment in default or of \$.50 on each such scheduled payment in default, whichever is greater, not to exceed \$100.00. Such~~ late charge, may be charged and collected by the creditor, which late charge shall not exceed one hundred dollars (\$100). The late charge permitted under this subsection may be collected only once on any scheduled payment, regardless of the period during which it the payment remains in default or is delinquent. The charge permitted under this subsection is applicable to all transactions governed by this chapter, whether the finance charge shall be precomputed, computed on the unpaid balance of the principal amount outstanding from time to time, or computed by any other basis or method, and regardless of whether the applicable transaction is open-end or closed-end credit.

"(b) With respect to the deferral of one or more wholly unpaid scheduled payments of a loan, or credit sale or lease, the creditor may collect, by agreement with the debtor either before or after default, an additional charge for each full month that any wholly unpaid scheduled payments are outstanding after the due date of each ~~such~~ scheduled payment equal to that proportion of the finance charge which the amount of the deferred monthly scheduled payment bears to the sum of all monthly balances originally scheduled.

"(c) When any debt is paid in full before the final scheduled payment date, the debtor may do so without penalty, and the creditor shall refund or credit the debtor with not less than that portion of the finance charge which shall be due the debtor as follows:

"(1) a. In the case of a consumer loan or a consumer credit sale with an original term of more than 61 months according to any generally accepted actuarial method of computation established or otherwise approved by the administrator; and.

"b. In all other cases according to the rule of 78ths or sum of the digits method meaning the amount of the refund or credit shall be as great a proportion of the finance charge originally contracted for as the sum of the periodic time balances of the debt scheduled to follow the date of prepayment bears to the sum of all the periodic time balances of the debt, both sums to be determined according to the scheduled payment originally contracted for.

"(2) No refund of less than ~~\$1.00~~ one dollar (\$1) need be made.

"(3) If ~~such~~ the prepayment is made by the debtor other than on a scheduled payment date, the nearest scheduled payment date shall be used in ~~such~~ the computation.

"(d) When any debt is renewed or refinanced by any creditor or creditor's affiliate within a period of 90 days from the date ~~such~~ the debt is made or incurred, the debtor shall be entitled to a pro rata refund or credit of that unearned portion of the original finance charge computed as of the date of ~~such~~ the refinancing or renewal. When ~~such~~ the renewal or refinancing occurs after 90 days, then ~~such~~ the refund or credit shall be calculated as provided in subsection (c) above.

"(e) When any debt is renewed or refinanced by the creditor or an affiliate of the creditor, any minimum finance charge for a credit sale shall be reduced to the finance charge which is otherwise permitted by subsection (a) of section 5-19-3.

"(f) Notwithstanding the provisions of section 5-19-10, and section 5-19-20(a), a creditor may charge and collect in a transaction secured by real property all of the following fees and charges if bona fide and reasonable in amount, provided ~~such~~ the fees are paid to parties unrelated to the creditor:

"(1) Fees for title examination, abstract of title, title insurance, property survey, and similar purposes;;

"(2) Fees for preparing deeds, mortgages, and reconveyance, settlement, and similar documents;;

"(3) Notary, appraisal, and credit report fees;~~and.~~

"(4) Fees, recording taxes, and charges prescribed by law which are or will be paid to public officials or agencies for recording or releasing a lien on property which secured the loan, ~~provided, however, except~~ that a releasing fee may only be charged and collected at the time the ~~debt is paid in full~~ lien is released.

"(g) Notwithstanding the provisions of this or any other section of this chapter, a creditor may, pursuant to contract, in a consumer loan or consumer credit sale secured by an interest in real property, charge and collect points in an amount not to exceed five percent of the original principal balance in the case of a closed-end loan or credit sale, or five percent of the total line of credit in the case of an open-end credit plan. Points may be paid in cash at the time of the loan or credit sale, or may be deducted from the proceeds and included in the original principal balance. Points shall be in addition to all other charges and are fully earned on the date of the loan or credit sale and may be excluded from the finance charge for the purpose of computing the finance charge refund.

"(h) In addition to the charges specified in Section 5-19-3 or otherwise provided by law, a creditor may contract for and receive on any loan, a nonrefundable loan fee not to exceed twenty-five dollars (\$25).

"(i) In addition to the charges specified in Section 5-19-3 or otherwise provided by law, in the case of an open-end credit plan, the creditor may charge an annual nonrefundable fee not in excess of fifty dollars (\$50), payable in advance.

"~~(h)~~ (j) Subsections ~~(a)~~, (b), (c), (d), and (e) of this section shall not apply to open-end credit plans."

Section 3. Section 5-19-6 of the Code of Alabama 1975, is amended to read as follows:

"§5-19-6.

"(a) Any creditor, when extending credit with respect to a consumer credit sale, loan, or lease other than open-end credit, shall at that time furnish to the debtor ~~duplicate copies a copy of all instruments~~ each instrument executed by the debtor in connection with the transaction. A copy is a document that accurately recites all of the terms of the original instrument, but need not be a mechanical reproduction or other exact duplicate. The credit sale contract, loan note, or lease shall contain the following statement in not less than eight-point type immediately above the space for the borrower's signature.

""CAUTION -- IT IS IMPORTANT THAT YOU THOROUGHLY READ THE CONTRACT BEFORE YOU SIGN IT."

"(b) No disclosures are required by this chapter to be made by a creditor with respect to any transaction other than (i) disclosures required by regulations made by the Administrator pursuant to Section 5-19-21 and except as required in subsection (a) above and in Sections 5-19-12(a) and 5-19-20(b) and (ii) disclosures, if any, by a creditor of real estate mortgage broker fees and points as has been or may be described by judicial decision pursuant to Section 5-19-4(g) for a consumer loan or consumer credit sale that is subject to Section 5-19-4(g).

"(c) Without limiting the generality of subsection (b) and except for the provisions of subsection (b) (ii) related to Section 5-19-4(g), there is no obligation or duty under this chapter to disclose to a debtor any agreement to assign or otherwise transfer a consumer credit transaction at a discount or that the assignee of, or person who funded, the consumer credit transaction agreed or may agree to pay the creditor or other person who originated the consumer credit transaction all or a portion of the prepaid finance charges and other fees and/or a portion of the finance charge to be paid by the debtor over the term of the transaction and/or other compensation irrespective of how the compensation is determined or described.

"(d) Except for the provisions of subsection (b) which relate to Section 5-19-4(g), the provisions of subsections (b), (c), and (d) confirm, clarify and are declaratory of existing law. The provisions of subsections (b), (c), and (d) apply to consumer credit transactions entered into on, before, and after February 24, 1994."

Section 4. Section 5-19-11 of the Code of Alabama 1975, is amended to read as follows:

"§5-19-11.

"(a) No creditor under this chapter shall bring an action on any consumer debt for collection, and no judgement by default or otherwise shall be entered until the creditor shall file an affidavit stating that the following:

"(1) If the creditor is required to obtain a license under section 5-19-22, the creditor has obtained ~~such a~~ the license, ~~and,~~

"(2) The debtor, or one of the debtors who also is a defendant under the action, if a resident of this state, on information and belief of creditor is a resident of the county in which the action is filed. If the creditor has not obtained the required license or if one of the debtors is not a resident of the county in which ~~such the~~ action is filed, the action shall be abated. The provisions of section 5-19-11(a)(1), above, and the phrase "the creditor has not obtained the required license or if" in the preceding sentence shall not apply in any manner whatsoever to any creditor not required to obtain a license under the provisions of sections 5-19-22, 5-19-31, or other provision of this chapter.

"(b) Except where other specific remedies are provided in this chapter for violations of specific provisions of this chapter in which event ~~such those~~ remedies shall apply, any provision of a consumer credit transaction which violates the provisions of this chapter shall be unenforceable by the creditor to the extent, but only to the extent, of ~~such the~~ violation, and the other remaining provisions and agreements shall be enforceable and shall not be void and shall not be affected by such the violation. Any creditor who fails to comply with any requirement imposed under this chapter with respect to any person is liable to ~~such the~~ person for the actual damage sustained by ~~such the~~ person as a result of the failure.

"(c) Nothing in this section shall limit or affect the powers of the administrator provided in this chapter."

Section 5. Section 5-19-16 of the Code of Alabama 1975, is amended to read as follows:

"§5-19-16.

"With respect to a consumer credit sale, consumer lease, or consumer loan, if the court as a matter of law finds the agreement or any provision of the agreement to have been unconscionable before, after, or at the time it was made, the court may refuse to enforce the agreement, or it may enforce the remainder of the agreement without the unconscionable provision, or it may so limit the application of any unconscionable provision as to avoid any unconscionable result. Unconscionability shall only be a defense to the enforcement of a contract or a portion thereof that is unconscionable and is not grounds to obtain affirmative relief. A creditor who has rendered performance under a contract, later declared in whole or in part to be unconscionable, shall be entitled to the restitution of the fair value of the performance. An agreement, clause, charge, or practice permitted by law or regulation is not unconscionable."

Section 6. Section 5-19-19 of the Code of Alabama 1975, is amended to read as follows:

"§5-19-19.

"Any creditor charging a finance charge in excess of the amount authorized herein, except as the result of an accidental and bona fide error in computation a deliberate violation of or reckless disregard for this chapter, shall upon written demand by the debtor forfeit his right to any finance charge, and shall refund to the debtor the total amount of the excess finance charge, which at the creditor's option may be done by payment to the debtor, or by reducing the amount of the debtor's principal obligation. If the debtor is entitled to a refund and the creditor refuses to refund within a reasonable time after written demand, the debtor may recover a penalty of either twice the finance charge or 10 times the amount of the excess charge, whichever is greater, but in any event not less than \$100.00, together with a reasonable attorney's fee. creditor shall forfeit the creditor's right to any finance charge, and the debtor shall have the right to recover any actual damage sustained by the debtor as the result of the creditor's violation. If the creditor has made an excess finance charge in deliberate violation of or in reckless disregard for this chapter, the creditor shall have no right to receive or retain the principal or any finance charge whatsoever and the transaction shall be void. the creditor shall forfeit his or her right to any finance charge, and the debtor may recover a penalty of either twice the finance charge or 10 times the amount of the excess finance charge, whichever is greater, but in any event not less than one hundred dollars (\$100), together with a reasonable attorney's fee. This right shall be the exclusive remedy of the debtor as a result of the violation. Any charge imposed by a creditor in excess of charges permitted under Sections 5-19-4, 5-19-10, and 5-19-20 shall not be considered an excess finance charge for the purposes of Section 5-19-19. No action under this section may be brought more than one year after due date of the last scheduled payment of the agreement pursuant to which the charge was made or, in the case of open-end credit plans, one year after the excess charge is made."

Section 7. Section 5-19-20 of the Code of Alabama 1975, is amended to read as follows:

"§5-19-20.

"(a) With respect to any credit transaction, the creditor shall not require any insurance other than insurance against loss of or damage to any property in which the creditor is given a security interest and insurance insuring the lien of the creditor on the property which is collateral for said the transaction. If the debtor shall fail to provide required property insurance, the creditor may, but shall not be required to, purchase insurance insuring its interest only, or with the debtor's written consent, insuring both the creditor's interest and the debtor's interest, and the premium for the insurance together with interest on the premium at the contract rate, may be charged by the creditor to the debtor. In no event shall the creditor have any responsibility or liability for the failure to purchase insurance

permitted by the preceding sentence. Credit life and disability and involuntary unemployment compensation insurance may be offered and, if accepted, may be provided by the creditor. The charge to the debtor for any such insurance shall not exceed the authorized premium permitted for such the coverages. Insurance with respect to any credit transaction shall not exceed the approximate amount and term of the credit.

"(b) The premium for non-filing insurance, insuring the lien of the creditor on the property which is collateral for the credit transaction, may not exceed the cost of filing of a lien on the property and any document necessary to continue the lien and is nonrefundable. The insurance may be required in both purchase money and nonpurchase money secured transactions.

~~"(b) (c)~~ If a creditor requires any insurance permitted herein in any credit transaction, the debtor shall have and be given written notice of the option of providing ~~such the~~ insurance through an existing policy or a policy independently obtained and paid for by the debtor, and if the debtor does not exercise the option provided herein, the premium or premiums charged for ~~such the~~ required insurance shall be reasonable in relation to the amount and term of the credit. The creditor may, for reasonable cause before credit is extended, decline the insurance provided by the debtor.

~~"(c) (d)~~ When insurance as permitted herein is required by the creditor, and is not furnished by the debtor as herein provided, then upon payment of the debt before the final maturity date, the debtor shall be entitled to receive that portion of the premium refunded by the insurance carrier. Upon renewal or refinancing of the debt before the final maturity date, the creditor shall refund or credit the debtor with the entire unearned premium on such insurance.

~~"(d) (e)~~ A creditor may not contract for or receive a separate charge for insurance against loss of or damage to property or against liability for property damage or personal injuries unless the original amount financed or original principal exclusive of the charges for insurance is ~~\$300.00~~ three hundred dollars (\$300) or more and the value of the property is ~~\$300.00~~ three hundred dollars (\$300) or more."

Section 8. Section 5-19-21 of the Code of Alabama 1975, as amended, is hereby further amended to read as follows:

"§5-19-21.

"The administrator is authorized and empowered to make such reasonable rules and regulations as may be necessary for the execution and enforcement of the provisions of this chapter.

The administrator and/or the supervisor of the Bureau of Loans may also issue written interpretations of consumer finance laws and regulations.

The courts of this state shall apply each regulation that becomes effective and each written interpretation that is issued, unless the regulation or interpretation is found to be arbitrary and capricious, outside the administrator's statutory authority, or violative of the Constitution of Alabama of 1901.

Any creditor whose practices are consistent with any regulation or written interpretation shall not be liable for any violation of the provisions of this chapter, or any common-law cause of action directly or indirectly relating to any violation of the provisions of this chapter, even though the regulation or written interpretation thereafter shall be ruled invalid for any reason by a court of competent jurisdiction."

Section 9. Section 5-19-24 of the Code of Alabama 1975, is amended to read as follows:

"§5-19-24.

"(a) For the purpose of determining compliance with this chapter, the administrator may, at any reasonable time cause an examination to be made at the licensee's place of business of the records and transactions of ~~such~~ the licensee. As cost of examination, the licensee shall pay the administrator an examination fee of ~~\$50.00~~ fifty dollars (\$50) per day or part thereof and, in addition thereto, ~~\$15.00~~ fifteen dollars (\$15) per day per examiner. Each licensee shall preserve all relevant records for a period of at least two years after making the last entry on any transaction, and the administrator shall have free access thereto at the licensee's place of business at all reasonable times. If the administrator has probable cause to believe that a person has engaged in an activity which violates the provisions of this chapter, he the administrator may compel the production of ~~such~~ the books and records of ~~said the person as he has~~ probable cause to believe are relevant to the alleged violation.

"(b) If the person's records are located outside this state, the person ~~shall, at his option,~~ may either make them available to the administrator at a convenient location within this state, or pay the reasonable and necessary expenses for the administrator or ~~his a~~ a representative of the administrator to examine them at the place where they are maintained. The administrator may designate representatives, including comparable officials of the state in which the records are located, to inspect them on his behalf.

"(c) ~~The administrator shall not make public the name or identity of a person whose acts or conduct he investigates pursuant to this section or the facts disclosed in the investigation, but Reports of examinations and investigations, and the books and records of licensees are to be held strictly confidential, and may not be produced, reproduced, or otherwise made available by the State Banking Department to any persons other than those within the State Banking Department and the licensee, and their respective counsel. This subsection does not apply to disclosures in actions or enforcement in proceedings brought by the administrator pursuant to this chapter.~~

"(d) A licensee's books and records may be maintained, produced, and reproduced for examination by photostatic, photographic, microphotographic, optical imaging or by any other generally recognized reproduction process."

Section 10. Title 5, Chapter 19 of the Code of Alabama 1975, as amended, is further amended to add a new Section 5-19-32, as follows:

§5-19-32.

Agreements in writing which provide for resolution of pending and future controversies through negotiation, mediation, arbitration, or other alternative dispute resolution procedures shall be specifically enforceable by the courts of this state.

Section 11. Title 5, Chapter 19 of the Code of Alabama 1975, as amended, is further amended to add a new Section 5-19-33, as follows:

§5-19-33.

Any creditor, who extends credit with respect to a consumer credit sale or lease, may sell and finance a service contract covering tangible goods which are the subject of the consumer credit sale or lease. A "service contract" as used in this section is an agreement, for a separately stated consideration, of the service contract offeror to correct, repair, or replace, or to pay for the correction, repair, or replacement of tangible goods during the period covered by the service contract. The service contract offeror need not be the seller or creditor. The service contract may be offered, sold and financed at the time of the credit sale or lease or at any time thereafter, including, without limitation, at or about the time of the expiration of any original warranty or the expiration of the period covered by the service contract. The service contract may, but is not required to, be renewable from time to time as set forth in the service contract. A service contract shall not constitute insurance for the purposes of Alabama law.

Section 12. The provisions of this act amending Section 5-19-3 and Section 5-19-4, Code of Alabama 1975, are cumulative to, and not in derogation of, other federal and state laws providing for, or permitting the types of charges covered in this act. Without limiting the generality or effect of the foregoing, the provisions of this act concerning any finance charge, late charge, loan fee, open-end credit annual fee, or other charge shall not in any way repeal, amend, modify, or diminish any right or power to charge and collect fees, interest or other charges existing under any other applicable state or federal statute, including, without limitation, Chapter 18 of Title 5, Chapter 20 of Title 5, Sections 8-8-1.1, 8-8-5, 8-8-6, 8-8-14, or Section 8-8-15 of the Code of Alabama 1975. Further, this act does not repeal, amend, or modify Public Law 96-221 enacted by the Congress of the United States and approved March 31, 1980, nor repeal, amend or modify Alabama Act No. 80-444, approved May 19, 1980.

Section 13. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 14. The provisions of Section 2 amending Section 5-19-4(f)(4) of the Code of Alabama 1975, Section 3, Section 4, and Section 7 of this act confirm, clarify, and are declaratory of existing law; and, such provisions apply to consumer credit transactions entered into on, before, and after the effective date of the act adding these sections, subsections, or subparts.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

And the bill:

H. 543. To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," which pertains to consumer credit transactions; to amend Section 5-19-3, to provide that credit sales may be financed at one and one-half percent per month; to amend Section 5-19-4, to permit annual charges for open-end credit plans and loan fees and to increase permissible late charges which may be imposed for late payment; to amend Section 5-19-4, to specify that recording taxes prescribed by law and paid to public officials are within the fees permitted by subsection (f) of Section 5-19-4; to amend Section 5-19-6, to specify the requirement that creditors provide a copy, but not a "duplicate" of any consumer credit agreement with the borrower and to clarify that

the type size of the "caution" language shall be in not less than eight-point type; to amend Section 5-19-11, to further specify the 1990 Amendments to that section, restating that a consumer credit contract that violates the Mini-Code is not completely void and unenforceable as a result of the violation; to amend Section 5-19-16, to only allow the unconscionability doctrine as a defense, and not to obtain affirmative relief, and to affirmatively state that a creditor who performs under a contract later determined to be unconscionable, is entitled to restitution; to amend Section 5-19-19, to specify that the imposition of excess charges or fees by creditors under Sections 5-19-4, 5-19-10, and 5-19-20, does not constitute the charging of an excess finance charge for the purposes of Section 5-19-19, and to modify the penalty for a creditor who charges an excess finance charge by first requiring an aggrieved debtor to give notice to the creditor charging an excess finance charge, giving the creditor an opportunity to cure the same without penalty, and to provide that if the creditor fails to act upon the notice, the creditor then forfeits its right to a finance charge and is required to pay any actual damages sustained by the borrower; to amend Section 5-19-20, to specify the ability of creditors to protect their interest in consumer loan collateral by permitting creditors to purchase insurance on the collateral if the borrower fails to do so and to clarify existing law with respect to insuring the lien of the creditor in both purchase money and nonpurchase money transactions, and to give the administrator the power to approve the sale of new credit insurance products; to amend Section 5-19-21, to empower the administrator to issue interpretive rulings concerning the meaning of the Mini-Code or the administrator's regulations and to provide that a creditor is entitled to rely on the administrator's regulations and official interpretive rulings and is immune from suit under the Mini-Code or any other cause of action regarding actions taken in reliance thereon; to amend Section 5-19-24, to provide that examinations and investigations of the State Banking Department and the books and records of licensees in the possession of the State Banking Department, are confidential and not subject to production to persons other than those within the State Banking Department; and to add two new sections to Title 5, Chapter 19, as follows: Section 5-19-32, to specifically provide for mediation, arbitration, or other alternative dispute resolution devices in consumer credit transactions; and Section 5-19-33, to permit creditors to sell and finance service policies, or both, and to define a service policy as not constituting insurance.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton,

Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

Nay:

Representative Payne.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 82. URGING CONGRESS TO REPEAL THE JET FUEL TAX.

Also:

S.J.R. 84. COMMENDING SYLVIA M. STEWART ON HER MERITORIOUS CAREER WITH THE STATE OF ALABAMA.

Also:

S.J.R. 85. COMMENDING LUCILLE WOODHAM FOLEY FOR OUTSTANDING ACCOMPLISHMENT.

Also:

S.J.R. 86. COMMENDING DOROTHY RAINER SELLARS OF OPP, ALABAMA, FOR DISTINGUISHED ACCOMPLISHMENTS.

Also:

S.J.R. 87. COMMENDING ALABAMA PUBLIC TELEVISION FOR FORTY YEARS OF EXEMPLARY SERVICE TO THE RESIDENTS OF ALABAMA.

Also:

S.J.R. 89. COMMENDING THE BIRMINGHAM SOUTHERN BASKETBALL TEAM FOR OUTSTANDING ACCOMPLISHMENT.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 550, was adopted.

Yeas 99; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-99

Nay:

Representative Holmes.

- 1

And the bill:

H. 550. (With Substitute): To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Commerce, Transportation and Utilities, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer certain controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975, are amended to read as follows:

"§34-22-1.

For the purposes of this chapter, the following terms shall have the respective meanings ascribed by this section:

~~"(1) PRACTICE OF OPTOMETRY. Any of the following:-~~

~~"a. Any examination of the human eyes and visual system for the purpose of:~~

~~"1. Ascertaining any departure from the normal;-~~

~~"2. Ascertaining the status of the human visual system, including the refractive and functional abilities thereof; or~~

~~"3. Ascertaining the presence of ocular disease or ocular manifestations of systemic disease and any other departure from the normal which may require referral to other health care practitioners.~~

~~"b. The diagnosis and treatment of the refractive and functional ability of the visual system for the purpose of the prevention, rehabilitation, correction and relief of anomalies of the visual system or visually related symptoms or disabilities or the enhancement of visual performance in accordance with accepted teaching by means of any or all of the following:~~

~~"1. The prescribing and employment of ophthalmic lenses, prisms, frames, ophthalmic aids and prosthetic materials;~~

~~"2. The prescribing and employment of contact lenses;~~

~~"3. Administering visual training, orthoptics and pleoptics; and~~

~~"4. Providing advice regarding environmental factors which influence visual performance, safety and comfort.~~

~~"Nothing in this section shall be construed so as to permit the administering of drugs in any form or prescribing of drugs for the medical treatment of eye diseases or the performing of surgery of any nature for any purpose.~~

~~"Nothing in this section shall be construed so as to prevent the use and prescribing of the softlens or hydrophilic contact lenses and the solutions commonly used in the prescribing and fitting of contact lenses.~~

~~"Nothing in the chapter shall be construed as repealing or affecting the provisions of section 38-1-2.~~

~~"(2) BOARD. The Alabama board of optometry.~~

~~"(1) BOARD. The Alabama Board of Optometry.~~

~~"(2) HUMAN EYE AND ITS ADJACENT STRUCTURES. The eye and all structures situated within the orbit, including the conjunctiva, lids, lashes, and lachrymal system.~~

~~"(3) PHARMACEUTICAL AGENTS. Any diagnostic and therapeutic drug or combination of drugs that has the property of assisting in the diagnosis, prevention, treatment, or mitigation of abnormal conditions or symptoms of the human eye and its adjacent structures.~~

~~"(4) PRACTICE OF OPTOMETRY. The practice of optometry is a learned profession involving the examination, measurement by objective and subjective means, diagnosis, treatment, and prevention of any departure from the normal of the human eyes, their adjacent structures, and visual system. The practice of optometry includes but is not limited to: The adapting and fitting of all types of lenses or devices, including, contact lenses; the determination of refractive error and shape of the eye and visual, muscular, or anatomical anomalies of the eye through the use of any means including the use of any self testing devices and the use of any computerized or automatic refracting device; the determination and prescribing of spectacle or contact lens parameters; the administering and prescription of pharmaceutical agents rational to the diagnosis and treatment of disease of the human eye and its adjacent structures; the removal of superficial foreign bodies from the human eye and its adjacent structures; the providing of developmental and perceptual therapy for the vision system; the utilization of any method or means to diagnose and treat diseases of the human eye and its adjacent structures as determined and approved by the board, subject to the limitations of this act; the performance of primary eye care procedures or ordering~~

of laboratory tests rational to the diagnosis and treatment of conditions or disease of the human eye and its adjacent structures as determined and approved by the board, subject to the limitations of this act. The practice of optometry shall include the prescribing and administering of narcotic analgesics pursuant to the Alabama Uniform Controlled Substances Act, except for narcotic analgesics classified under Schedule I and II, and any Schedule III pharmaceutical agents that contain Dihydrocodeinone, ("Hydrocodone"). The prescribing or administering of any other Schedule III pharmaceutical agent shall be limited to a prescription, the duration of which does not exceed 96 hours. Notwithstanding any provision of this act to the contrary, the practice of optometry shall include the prescribing and administering of pharmaceutical agents which are commonly known as steroids. Optometrists are prohibited from performing injections into the eyeball, cataract surgery, muscle surgery, retinal surgery, radial keratotomy, laser surgery, cryosurgery, or any other invasive surgery. The Alabama Board of Optometry shall be a certifying board as defined in Section 20-2-2, except as limited by this act. The practice of optometry shall include the authority to administer benedryl, epinephrine, or other medication to counteract anaphylaxis or anaphylactic reaction. The use and prescribing of pharmaceutical agents for the treatment of the human eye and its adjacent structures shall be limited to those optometrists approved by the board.

"§34-22-4.

"(a) It is not the intent of this chapter to prevent any school teacher, welfare worker, state, county, municipality, or other public board, body, agency, institution, or official from determining in the course of their official duties the probable need of visual services; provided, that the aforenamed person or agency does not attempt to examine, diagnose, prescribe, or recommend any particular practitioner and complies with the provisions of Section 38-1-2.

"(b) A license to practice optometry shall not be required for the sale, preparation, or dispensing of eyeglasses or spectacles in a retail optical dispensary or from a store, shop, or other permanently established place of business with an optical department on prescription of a duly licensed physician skilled in diseases of the eyes or a duly licensed optometrist authorized to practice under the laws of this state. Contact lenses may be sold or dispensed in a retail optical dispensary or other permanently established place of business with an optical department only when authorized by an optometrist or ophthalmologist, the prescription therefor contains all necessary data, and the prescription has not expired. This section shall not be construed as authorizing any optician or other person selling eyeglasses or contact lenses on prescription as authorized above to use any instrumentation or determine any data by performing any type of examination or corneal evaluation necessary for the fitting of contact lenses or to use any drugs in relation thereto.

"(c) Nothing in this chapter shall apply in any way to any licensed physician, nor to any physician assistant or ophthalmic assistant program conducted under any accredited state university program, nor to any physician's assistant as

defined in Section 34-24-292. Nothing in this chapter shall be construed as preventing an ophthalmologist from using assistants normally used in his or her practice under his or her direct personal supervision in the office in which the ophthalmologist normally actually practices his or her profession and nowhere else.

"§34-22-6.

"(a) It shall be unlawful for any person to perform any of the following:

"(1) Practice optometry in this state without having ~~at the time of so doing~~ a valid, unrevoked, and unexpired license certificate and annual renewal registration certificate as an optometrist;

"(2) Use or attempt to use as his or her own a diploma of an optometric school or college or a license of another person, or a forged diploma or license, or any forged or false identification;

"(3) Sell or offer to sell a diploma conferring an optometric degree or a license granted pursuant to this chapter or prior optometric practice laws, or to procure each diploma or license with intent that it shall be used as evidence of the right to practice optometry by a person other than the one upon whom it was conferred or to whom ~~such~~ the license was granted, or with fraudulent intent to alter ~~such~~ the diploma or license or to use or attempt to use it when it is so altered; ~~or~~.

"(4) Willfully make any false statements ~~in material regard~~ in an application for examination for a certificate to practice optometry or for annual renewal registration.

"(5) Use or attempt to use pharmaceutical agents for the treatment of the human eye and its adjacent structures without having approval of the board at the time the treatment is rendered.

"(b) (1) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction ~~thereof~~, shall be punished by a fine of not more than ~~\$1000.00~~ one thousand dollars (\$1,000) and, in addition ~~thereto~~, may be imprisoned in the county jail for a period not to exceed 12 months and shall be subject to having his or her license revoked or suspended as provided in this chapter.

"(c) (2) The board and its members and officers shall assist prosecuting officers in the enforcement of this chapter, and it shall be the duty of the board, its members, and officers, to furnish the proper prosecuting officers with ~~such~~ the evidence as it ~~or~~ they may ascertain necessary to assist them in the prosecution of any violation of this chapter, ~~and the~~. The board is authorized, may for such these purposes, to make such reasonable expenditures from the funds of the board as it may deem necessary to ascertain and furnish such the evidence.

"(3) In addition to criminal penalties, any person violating this Section may be fined up to one thousand dollars (\$1000) by the board for each violation. The board may sue, if necessary, to collect the fine.

"(4) The board is entitled to costs and reasonable attorney fees in any civil action in which it prevails.

"(5) Venue for any action brought by the board pursuant to this act is the Circuit Court of Montgomery County.

"§34-22-8.

"(a) Any person, including a licensed optometrist (but not the board or members thereof) may initiate a charge of violation of the provisions of this chapter or other a charge of misconduct by a licensed optometrist by filing with the secretary of the board a written statement under oath of a the charge or charges against the accused. If a member of the board files a charge, the member shall not participate in the hearing or disposition of the charge, except to the extent of giving testimony in connection with the charge. The member filing the charge shall not be present during the hearing or deliberation of the charge except to give testimony. A discrete preliminary investigation into such the charge or charges shall be made by the board, after which, if the board is reasonably satisfied that such the charge or charges are not frivolous, the board shall hear and determine said the charge or charges under rules of procedure to be established by the board. A quorum of the board must shall be present at all times during the hearing and deliberation and action thereon. A time and place, (either within the city of Montgomery, Alabama or the county in which the accused resides) for the hearing of said the charge or charges shall be fixed by the board as soon as convenient; and a. A copy of said the charge or charges, together with a written notice of the time and place when the same will be heard and determined of the hearing, and a copy of the rules of procedure adopted by the board for such the hearing shall be served on the accused at least 20 days before the date fixed for said the hearing upon the accused or licensee, by leaving a copy thereof at his or her last and usual place of residence, by personal service upon the accused, or licensee or by forwarding the same a copy to the accused or licensee via United States registered mail, with a return receipt requested, addressed to him or her at his or her last known mailing address, if a resident of the state of Alabama. If the accused or licensee shall is not be a resident of Alabama or shall have has departed from the state of Alabama, then notice of the time and place of such the hearing shall be published in a newspaper of general circulation in the county where said the accused licensee shall have been last known to reside one time is last known to have resided, three weeks prior to said the hearing, setting out the time and place of such the hearing. At least five days before the time of the hearing, the accused shall file with the secretary of the board his an answer to the written charges theretofore served upon him together with a list of witnesses which the accused desires to be subpoenaed for the hearing. At such the hearing, witnesses may be examined respecting said the charge or charges. The board or the accused, or both, shall have the power to may require the attendance of witnesses, the

production of books, records, and papers pertinent to the issues; and, ~~for that purpose,~~ either or both may require the secretary of the board to issue a subpoena for any witnesses or a subpoena duces tecum to compel the production of any books, records, papers, or documents, which shall be directed to the sheriff of the county where ~~such~~ the witness resides or is to be found, ~~which~~. The subpoena shall be served and returned in the same manner as subpoenas in civil cases in the circuit court are served and returned. If any person is subpoenaed to appear before ~~said the~~ board and fails to obey ~~said the~~ subpoena without reasonable cause, or if any witness upon any hearing before the board ~~shall refuse~~ refuses to be sworn, or to be examined, or to produce a book, record, paper, or document, as ordered by the board, ~~such this~~ this fact shall be certified by the board to the circuit court or the judge thereof in the county where ~~such the~~ the witness resides, and ~~he the~~ the witness shall be ordered and directed by ~~such the~~ the court to appear before ~~said the~~ the board and testify or produce such books, papers, records, or documents as are ordered by the board. At ~~said the~~ hearing, the accused ~~shall have the right to~~ may cross-examine the witnesses against him or her, ~~to produce witnesses in his or her defense, and to appear personally and/or or by counsel, or both,~~ and ~~to~~ have the testimony taken down by a stenographer, but the expense of counsel and stenographer shall be borne by the accused licensee. A majority of the quorum of members of the board conducting the hearings shall render a decision on the merits of the charge or charges and, if warranted by the evidence, impose appropriate sanctions.

"(b) In all cases of suspension or revocation of licenses or of other disciplinary sanctions imposed by the board ~~as herein provided for,~~ the accused licensee may appeal only to the Circuit Court of Montgomery county, Alabama, notwithstanding any other provision of law to the contrary. Except as ~~may~~ otherwise be provided herein ~~to the contrary,~~ judicial review of the orders and decisions of the board shall be governed by the provisions of ~~section 41-22-20 (~~ Sections 41-22-1 to 41-22-27, inclusive, the Alabama Administrative Procedure Act).

"(c) Members of the ~~Alabama Board of Optometry board,~~ and the members of any committee of optometrists impaneled by the board, and any other optometrist and individual making any report or rendering any opinion, or service, or supplying any evidence or information or offering any testimony to the board in connection with a disciplinary investigation or proceeding as authorized in this chapter shall be immune from suit for any conduct with respect to ~~such the~~ investigations, actions, hearings, and proceedings.

"§34-22-20.

"(a) Every person desiring to ~~commence the~~ practice of optometry in this state shall be 19 years of age, or over, be a citizen of the United States, and of good moral character. The person shall have a preliminary education of at least four years of high school or the equivalent and be a graduate thereof, have a minimum of three years of preoptometry, or the equivalent thereof, at an accredited college or university, have completed a course of study in an accredited school or college of optometry which is approved by the board and that

requires at least four years of professional study, and have passed all examinations prescribed by the board, and, after the completion of the education, pass including the standard examination prescribed by the board after completion of the educational requirements. The standard examination shall consist of tests in practical, theoretical, and physiological optics, in theoretical and practical optometry, orthoptics, ocular anatomy, physiology, pharmacology, pathology, diagnosis and treatment of disease of the human eye and its adjacent structures, general anatomy, hygiene, and any other knowledge the board deems essential to the practice of optometry. The standard examination shall be consistent with the established teaching and recognized textbooks of accredited schools or colleges of optometry.

"(b) The application to take the standard examination shall be upon the form prescribed and furnished by the board and verified by the oath of the applicant, accompanied by a fee to be determined by the board. The fee shall not be more than ~~\$250~~ five hundred dollars (\$500).

"(c) The standard examination shall be held at least once in each year if there are any candidates for examination who have applied to the board ~~for examination~~ at least 30 days before the date affixed prescribed for the holding of the examination.

"(d) When the application and accompanying proof are found satisfactory, the board shall notify the applicants to appear ~~before it~~ for examination at a time and place fixed by the board. ~~Those found qualified by the board shall be granted a license and a license certificate, which shall bear a serial number, the full name of the licensee, the date of issuance, and the seal of the board, and shall be signed by the president and secretary of the board.~~ Upon passing the standard examination, the applicant shall submit to the board proof that he or she has passed all additional examinations required by the board. The applicant shall also submit any protocols for the use of pharmaceutical agents that the board may require. When these requirements have been met by the applicant and approved by the board, the board shall grant to qualified applicants a license and a license certificate, both of which shall bear a serial number, the full name of the licensee, the date of issuance, the seal of the board, and the signature of the president and secretary of the board. A seal of approval by the board of the use of pharmaceutical agents for the treatment of the human eye and any of its adjacent structures shall be affixed to the license certificate. The board may grant a temporary license under the circumstances and conditions, and in the form, as may be prescribed by rules and regulations of the board.

"(e) Every license issued, whether permanent or temporary, ~~issued~~ and every annual registration certificate shall be in the possession of the optometrist to whom it was issued and posted in the office where he or she practices.

"(f) Those persons who hold valid licenses to practice optometry in the State of Alabama on ~~October 10, 1975,~~ October 1, 1994, shall continue to be so licensed after ~~October 10, 1975,~~ October 1, 1994, subject to this chapter,

regardless of whether they are otherwise qualified to secure a license under this chapter. Optometrists licensed under this section may apply to the board, in a manner prescribed by the board for approval to use pharmaceutical agents for the treatment of disease of the human eye and its adjacent structures. The board shall prescribe requirements to be met by applicants prior to approval by the board, including but not limited to, the requirement that the applicant has successfully completed at least 72 clock hours in the diagnosis and management of disease of the human eye and its adjacent structures within a three-year period preceding application for a license.

"§34-22-21.

"Any person who has successfully passed a standard examination in optometry in any state of the United States or all parts of the examination given by the national board of examiners in optometry and is the holder of a certificate to that effect, issued by the board of ~~such~~ that state, or by ~~said~~ the national board, and who has a current license to practice optometry in any state in the United States, and has conducted an ethical professional practice of optometry for at least one year, may, at the discretion of the board, and upon the payment of the amount of the regular examination fee, take the standard examination provided in this chapter, and upon passing said the examination be registered as qualified to practice optometry in this state. Optometrists licensed under this act may apply to the board for approval to use pharmaceutical agents for the treatment of disease of the human eye and its adjacent structures. The board shall prescribe rules and regulations setting forth the manner in which the application shall be made and approval shall be given. Licensed pharmacists of this state shall fill those prescriptions as are ordered by licensed optometrists approved by the board to use pharmaceutical agents.

"§34-22-22.

"(a) All registered optometrists ~~now or hereafter~~ licensed in the state of Alabama are ~~and shall be~~ required to take annual courses of study in subjects relating to the practice of the profession of optometry. The length of study shall be prescribed by the board but shall not exceed 25 clock hours in any calendar year. Licensees approved by the board to use pharmaceutical agents shall be required to take not less than 20 nor more than 25 hours of continuing education, half of which shall be in subjects relating to the diagnosis, treatment, and management of disease of the human eye and its adjacent structures. Continuing education courses shall not be graded. Attendance ~~must~~ shall be at a course or courses approved by the board. Attendance at any course or courses of study ~~is to~~ shall be certified to the board upon a form provided by the board and shall be submitted by each registered optometrist at the time he or she makes application to the board for the renewal of license and ~~payment of his~~ pays the renewal fee.

"(b) Continuing education requirements shall be completed between October 1 and September 30 of each fiscal year prior to the time for license renewal for the next fiscal year. Upon the failure of any licensee to certify compliance with

continuing education requirements for ~~said~~ the fiscal year on or before the first day of November, the board shall notify ~~such~~ the licensee by registered mail addressed to his or her last address of record that ~~his~~ certification has not been received and ~~that unless such~~ certification is received on or before the first day of January, his or her license and license certificate shall be automatically suspended. If the certification demonstrating compliance with continuing education requirements is not received by the board on or before January 1, the ~~licensee's~~ license and license certificate of the licensee which was previously granted shall automatically be suspended. ~~Provided that between~~ Notwithstanding the foregoing, between October 1 and December 31 of each year, the licensee shall be permitted to complete continuing education requirements which he or she has failed to complete prior to the end of the fiscal year on September 30.

"(c) The ~~said~~ license and license certificate shall be reinstated only upon the provision of satisfactory evidence to the board, in a form acceptable to the board, that the continuing education requirements for the one fiscal year next preceding the proposed reinstatement have been satisfied and upon the payment of all fees required to be paid under this chapter.

"(d) Every licensed optometrist who desires to continue the practice of optometry in the state shall annually, on or before the first day of October, pay to the secretary of the board a renewal fee of ~~\$112.00~~ one hundred sixty dollars (\$160), for which ~~he~~ the licensee shall receive a renewal of the registration. Every licensed optometrist approved by the board to use pharmaceutical agents shall pay an additional fee of one hundred dollars (\$100). The licensee shall sign and verify the accuracy of ~~his~~ the registration and certify his or her compliance with the continuing education requirements of the board for renewal on a form provided by the board; ~~and, upon~~ Upon submission of the completed form prescribed by the board, together with the aforementioned fee, the licensee shall receive ~~therefor~~ the current annual registration certificate authorizing him or her to continue the practice of optometry in this state for a period of one year.

"(e) Any license and license certificate previously granted ~~under the authority of this or any prior optometry practice law~~ shall automatically be suspended if the holder ~~thereof~~ fails to secure the annual registration certificate ~~herein provided for~~ by January 1 each year. Any optometrist whose license ~~shall be~~ is automatically suspended by reason of failure, neglect, or refusal to secure the annual registration certificate shall be reinstated by the board upon payment of a penalty fee of ~~\$100.00~~ two hundred dollars (\$200) plus all accrued annual registration fees accompanied with the prescribed form for annual registration of ~~such~~ the license.

"(f) Upon failure of any licensee to file application for the annual registration certificate and pay the annual registration fee on or before the first day of November each year, the board shall notify ~~such~~ the licensee by certified or registered mail addressed to his or her last address of record that ~~such~~ the application and fee have not been received and that, unless ~~such~~ the application and fee are received on or before the first day of January of the following year, ~~his~~ the license and license certificate shall be automatically suspended.

"(g) The board may waive annual registration and the payment of fees while any licensee is prevented from practicing optometry by reason of physical disability or on temporary active duty with any of the armed forces of the United States. The waiver of fees ~~herein provided~~ shall be effective so long as said the disability or temporary active duty continues.

~~"Provided, however, under the provisions of this section, continuing result in a passing or failing grade.~~

"§34-22-23.

"Any of the following shall constitute grounds for revocation of license or suspension of license for a definite period of time, for a private or public reprimand, ~~or~~ for probation, ~~or~~ for the levying and collection of an administrative fine not to exceed ~~\$1,000.00~~ one thousand dollars (\$1,000) per violation, ~~or~~ for the institution of any legal proceedings necessary to ~~effect~~ enforce the provisions of this chapter:

"(1) Fraud, deceit, dishonesty, or misrepresentation, whether knowingly or unknowingly, in the practice of optometry or in obtaining any license, license certificate, annual registration certificate, or other thing of value;

"(2) Incompetency;

"(3) Conviction of a felony or a misdemeanor which involves moral turpitude;

"(4) Gross immorality;

"(5) Habitual drunkenness or addiction to the use of morphine, cocaine or other drugs having similar effect;

"(6) Insanity, as adjudged by a court of competent jurisdiction;

"(7) Directly or indirectly employing, hiring, procuring, or inducing a person, not licensed to practice optometry in this state, to so practice;

"(8) Directly or indirectly aiding or abetting in the practice of optometry any person not duly licensed to practice under this chapter;

"(9) Directly or indirectly employing solicitors, canvassers, or agents for the purpose of obtaining patronage;

"(10) Willfully or repeatedly violating any of the provisions of this chapter;

"(11) Practicing or attempting to practice optometry under a name other than one's own name as set forth on the license certificate;

"(12) Lending, leasing, renting, or in any other manner placing his or her license or license certificate at the disposal or in the service of any person not licensed to practice optometry in this state;

"(13) Soliciting patients by fraudulent or misleading advertising of any kind, nature, or description;

"(14) ~~For failure~~ Failing to comply with the continuing education requirements established by the board pursuant to the provisions of this chapter;

"(15) ~~For practicing~~ Practicing optometry in any temporary office, apart from a regularly established office; provided, that a licensed optometrist may establish a branch office if ~~such~~ the branch office ~~shall be~~ is duly equipped with the instruments necessary, according to rules and regulations promulgated by the board, to make complete optometric examination; provided further, that ~~such~~ the branch office is in personal and direct charge of the optometrist establishing it or a licensed associate;

"(16) ~~For practicing~~ Practicing optometry as the employee of any person, group, association, or corporation on the basis of any fee splitting or on any basis which has the effect of any ~~such~~ agreement; provided, that the provisions of this subdivision shall not be so construed as to prohibit a licensed optometrist from participating in health maintenance organizations composed of licensed professional practitioners in the health care field, other similar ethical professional health care groups, or in professional associations or professional corporations organized under Alabama law or penalize him or her for ~~such~~ participation; provided further, that the provisions of this subdivision shall not be so construed as to prohibit a licensed optometrist from practicing as the partner, employee, or associate of another licensed optometrist; or a physician.

"(17) ~~Violation of such~~ Violating any other standards of unprofessional conduct as may be adopted as rules by the board.

"§34-22-42.

"The board shall exercise and perform, subject to this chapter, each of the following powers and duties:

"(1) Conduct examinations at least once each year to ascertain the qualifications and fitness of applicants for licenses to practice optometry.

"(2) Prescribe rules and regulations for conducting and administering an examination of applicants for licensing as optometrists and to effectuate this chapter.

"(3) Institute, upon a complaint or petition, ~~but not upon its own motion, complaint, or petition,~~ hearings of charges against licensed optometrists or other persons as provided in this chapter.

"(4) Institute legal proceedings for violations of this chapter.

"(5) Grant and deny licenses in conformity with this chapter, including applications for approval to use pharmaceutical agents.

"(6) Formulate rules and regulations by which the board shall determine which optometry schools and colleges in or out of the State of Alabama have been duly accredited by a recognized and properly authorized accrediting agency and which accredited schools or colleges shall be approved by the board.

"(7) Establish standards of continuing education which shall be deemed a requisite to the renewal of licenses of applicants who are otherwise qualified to practice optometry in the State of Alabama.

"(8) Keep a register of optometrists containing the names and addresses of all persons to whom license certificates, temporary licenses, approvals for use of pharmaceutical agents, and limited licenses have been issued in the State of Alabama, the date of the issuance, the place or places of business in which each optometrist is engaged, and all renewals, revocations, and suspensions, of licenses and certification.

"(9) Administer oaths and affirmations of witnesses, issue subpoenas to compel the attendance of witnesses and the production of all necessary papers, books, records, documentary evidence, and materials in any hearing, investigation, or other proceeding before the board.

"(10) Employ or appoint an executive director, clerical personnel, and legal advisors or counsel to assist in implementing this chapter when there is a need for those services and when funds are available for those purposes. The executive director may be a licensed optometrist in this state, but may not, while serving as the executive director, also serve as a member of the board of optometry. The executive director shall not be subject to the State Merit System.

"(11) Prescribe rules and regulations establishing a program of internship as a requisite to application for license, if the board deems such a program advisable.

"(12) Prescribe rules and regulations establishing circumstances and conditions upon which temporary licenses may be issued by the board and the terms and conditions of ~~such~~ the temporary licenses.

"(13) Prescribe rules and regulations subject to the limitations of this act for the utilization of methods or means of treatment recognized as being within the scope of the practice of optometry.

"(14) Prescribe rules and regulations subject to the limitations of this act necessary for the performance of eye care procedures reasonably necessary to the treatment of conditions or diseases of the human eye and its adjacent structures.

"§34-22-43.

"(a) The secretary of the board shall keep a registry in which shall be entered the names of all persons to whom temporary licenses, limited licenses, license certificates, approvals for the use of pharmaceutical agents, and annual registration certificates have been granted under this chapter, the numbers of ~~such~~ the license certificates and annual registration certificates, the dates of granting the same, and other matters of ~~records~~ record and shall keep a true and correct copy of the minutes of all board meetings, and the book so provided and kept shall be the official book of records.

"(b) A photostatic copy of ~~said the~~ the records, or a copy of ~~said the~~ the records certified by the secretary and under the seal of the board, shall be admitted in any of the courts of this state as prima facie evidence of the facts contained in ~~said the~~ the records and in lieu of the original ~~thereof~~ records.

"(c) A certificate under the hand of the secretary and the seal of the board that there is not entered in ~~such the~~ the record books the name, ~~and~~ number of, and date of granting ~~such the~~ the license certificate or renewal license certificate to a person charged with a violation of any of the provisions of this chapter shall be prima facie evidence of the facts contained therein. ~~Such The~~ The certificates shall be admitted in any of the courts of this state in lieu of the records of the board.

"(d) The original books, records, and papers of the board shall be kept at the office of the secretary of the board, which office shall be at ~~such a place as may~~ a place be designated by the board.

"(e) Upon the payment of a reasonable fee ~~to be~~ established from time to time by the board, the secretary of the board shall mail a copy of the most recent registry to any person requesting ~~same~~ it."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 100; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A),

Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-100

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 219. COMMENDING PATRICIA HICKS OF SATSUMA, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENTS.

Also:

H.J.R. 220. COMMENDING EDWARD P. DOMBROWSKI FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H.J.R. 222. MOURNING THE DEATH OF GLORIA FINEBAUM OF BIRMINGHAM, ALABAMA.

Also:

H.J.R. 231. INVITING DANIEL S. GOLDIN, ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 68. Relating to bicycle safety; to require helmet protection for certain persons riding on bicycles under certain conditions; and to provide for bicycle safety education, and supervision.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 302. Relating to Tuscaloosa County; amending Sections 1 and 2 of Act No. 81-936, H. 50, 1981 First Special Session, as amended, providing for the expense allowance and salary of the Sheriff of Tuscaloosa County.

Also:

H. 1. Relating to Washington County; requiring the Washington County Tax Collector to be responsible for all delinquent tax collections.

Also:

H. 92. To provide for the return to service of persons retired from the Employees' Retirement System subject to certain limitations; to provide for certain retirees who are elected to public office to continue to draw certain benefits under certain conditions; to amend Section 16-25-1, Code of Alabama 1975, to provide further for definitions under the Teachers' Retirement System; to amend Section 16-25-20, Code of Alabama 1975, to provide for the investment advisor to the Board of Control of the Teachers' Retirement System; to amend Section 16-25-26, Code of Alabama 1975, to provide for the same return to service requirements under the Teachers' Retirement System provided for persons retired under the Employees' Retirement System; to amend Section 36-27-1, Code of Alabama 1975, to provide further for definitions under the Employees' Retirement System; and to amend Section 36-27-25, Code of Alabama 1975, to provide further for investments and the investment advisor for the Employees' Retirement System.

Also:

H. 284. Relating to Autauga County; relating to the compensation and expense allowance for the Sheriff of Autauga County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation in the next term of office of the sheriff.

Also:

H. 432. Relating to Washington County; providing for the assessment of an additional fee on all documents submitted for recording in the Probate Court which are subject to a deed or mortgage tax; and providing for the deposit of the funds into the Washington County General Fund on a monthly basis to be used for general county purposes including, but not limited to, computerization of county courthouse functions.

Also:

H. 452. Relating to Greene County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate; and providing for the disposition of funds from the additional fees.

Also:

H. 485. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

Also:

H. 486. To repeal Act No. 323, H. 514, 1975 Regular Session, relating to compensation increases for certain employees of the Sheriff's Department in Tuscaloosa County.

Also:

H. 497. Relating to the City of Muscle Shoals in Colbert County; establishing a civil service system and providing for classified services; establishing a personnel board and providing for the appointment, term, and powers of board members; providing for the establishment of a register and filling of vacancies; and providing for penalties.

Also:

H. 514. Relating to Marion County; authorizing the sheriff to operate a jail canteen; authorizing the sheriff to retain profits accruing from the pay telephones, vending machines, and canteen in the county jail in a special fund to be used by the sheriff for law enforcement purposes; and confirming and ratifying certain prior actions.

Also:

H. 545. Relating to Etowah County; to provide for the establishment of the Etowah County Community Development Committee; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and filling vacancies; to provide for the terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

Also:

H. 546. Relating to Sumter County; to repeal Act No. 85-471, H. 754 of the 1985 Regular Session (Acts 1985, p. 465), providing supplemental fee allowances for constables and for additional court costs.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED**S. 307 SUBSTITUTED FOR H. 550**

In accordance with House Rule 20 and on motion of Representative Knight (A), the bill, S. 307, was substituted for the bill, H. 550, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, S. 307, was adopted.

Yeas 99; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-99

Nay:

Representatives Flowers and Holmes.

- 2

And the bill:

S. 307. To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer certain controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

was taken up.

AMENDMENT OFFERED

Representative Flowers offered the following amendment #1 to the bill, S. 307:

On page 1, line 24, after the word "certain" delete the language "controlled substances" and insert in lieu thereof: topical therapeutic pharmaceutical agents

On page 3, delete lines 14 to 18 in their entirety.

On page 3, line 19, delete the language (4) and insert in lieu thereof: (3)

On page 4, line 5, after the word "of" insert the following language: topical therapertic

On page 5, delete lines 6 to 10 in their entirety, and insert in lieu thereof: other invasive surgery.

On page 5, line 11, after the word "of" insert the following language: topical therapertic

On page 5, after line 13, insert the following language: "(4) TOPICAL THERAPEUTIC PHARMACEUTICAL AGENT. A legend drug or a combination of legend drugs that bears on the label the words, "Caution Federal Law prohibits dispensing without prescription" or similar words indicating that the drug may be sold or dispensed only on the prescription of a licensed practitioner, and which is included in one of the following categories:

"a. Ocular antihistamines, decongestants, and combinations thereof.

"b. Ocular anti-allergy pharmaceutical agents.

"c. Ocular antibiotics and combinations of ocular antibiotics, excluding specially formulated or fortified antibiotics.

"d. Anti-inflammatory agents.

"e. Ocular lubricants and artificial tears.

"f. Nonprescription drugs that are commercially available.

"g. Mast cell inhibitors.

Topical therapeutic pharmaceutical agents do not include oral or injectable forms of any of the legend drugs listed above or controlled substances as specified in Uniform Controlled Substances Act.

16th Day

On page 7, line 23, after the language "(5)" delete the language "Use or attempt to use" and insert in lieu thereof: For an optometrist to use or attempt to use topical therapeutic

On page 14, line 7, after the word "of" insert the following language: topical therapeutic

On page 14, line 14, after the word "of" insert the following language: topical therapeutic

On page 15, line 4, after the word "use" insert the following language: topical therapeutic

On page 15, line 27, after the word "use" insert the following language: topical therapeutic

On page 16, line 7, after the word "use" insert the following language: topical therapeutic

On page 16, line 15, after the word "use" insert the following language: topical therapeutic

On page 16, line 15, after the word "agents" insert the following language: as defined in this act

On page 18, line 7, after the word "use" insert the following language: topical therapeutic

On page 22, line 27, after the word "use" insert the following language: topical therapeutic

On page 23, line 14, after the word "of" insert the following language: topical therapeutic

On page 24, line 27, after the word "of" insert the following language: topical therapeutic

AMENDMENT TABLED

On motion of Representative Knight (A), the amendment #1 offered by Representative Flowers to the bill, S. 307, was tabled.

Yeas 90; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

Nay:

Representatives Carothers, Hall (A), Holmes, McDaniel and Pringle.

- 5

AMENDMENT OFFERED

Representative Flowers offered the following amendment #2 to the bill, S. 307:

On page 6, line 21, at the end of the sentence, insert the following language: "Except in an emergency, nothing in this act shall be construed to allow the use of legend drugs for the treatment of systemic or sight-threatening diseases like diabetes, neurological disorders, glaucoma, or corneal ulcers."

AMENDMENT TABLED

On motion of Representative Knight (A), the amendment #2 offered by Representative Flowers to the bill, S. 307, was tabled.

Yeas 89; Nays 5.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Minnifield,

Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

Nay:

Representatives Box, Ford, Hall (A), Holmes and Pringle.

- 5

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Reed intended to vote "Yea" on the motion offered by Representative Knight (A) to table the amendment #2 offered by Representative Flowers to the bill, S. 307.

AMENDMENT OFFERED

Representative Flowers offered the following amendment #3 to the bill, S. 307:

On page 28, after line 11, insert the following language:

Section 2. In a civil lawsuit against an optometrist for damage to a patient's eyes, caused by the dispensing of eye medications pursuant to this act, the jury has the right to know that an optometrist is not a medical doctor.

On page 28, line 12, after the word "Section" delete the number "2" and insert in lieu thereof the following: 3

On page 28, line 14, after the word "Section" delete the number "3" and insert in lieu thereof the following: 4

AMENDMENT TABLED

On motion of Representative Knight (A), the amendment #3 offered by Representative Flowers to the bill, S. 307, was tabled.

Yeas 89; Nays 5.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

Nay:

Representatives Crigler, Flowers, Hall (A), Holmes and Pringle.

- 5

AMENDMENT OFFERED

Representative Flowers offered the following amendment #4 to the bill, S. 307:

On page 28, after line 11, insert the following language:

Section 2. Any legislator who votes in favor of this legislation is subject to being named as a defendant, along with the optometrist, in the county where either the legislator or the optometrist resides, or in Barbour County, Alabama, in any lawsuit arising from the prescribing, administering, or dispensing of eye medication by an optometrist pursuant to this act.

On page 28, line 12, after the word "Section" delete the number "2" and insert in lieu thereof the following: 3

On page 28, line 14, after the word "Section" delete the number "3" and insert in lieu thereof the following: 4

AMENDMENT TABLED

On motion of Representative Knight (A), the amendment #4 offered by Representative Flowers to the bill, S. 307, was tabled.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

AMENDMENT OFFERED

Representative Knight (A) offered the following amendment to the bill, S. 307:

On page 21, line 23, delete the language "~~any such~~" and insert in lieu thereof: any such

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

And the bill, S. 307, as amended, was read a third time at length and passed.

Yeas 100; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-100

Nay:

Representatives Flowers, Holmes and Pringle.

- 3

H. 550 INDEFINITELY POSTPONED

On motion of Representative Knight (A), the bill, H. 550, as amended, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 498, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Johnson (R), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McMillan, Melton, Millican, Morrison, Morrow,

Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-77

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 500. To amend Section 37-1-80, Code of Alabama 1975, to provide that the Alabama Public Service Commission may adopt methods of regulation other than rate of return on a determined rate base.

McDOWELL LEE
Secretary

H. 498 TAKEN UP

And the bill:

H. 498. (With Substitute): To provide for inverse condemnation civil actions as an additional remedy and method of relief for owners of real property in the state, the value of which is diminished as a result of state or certain local governmental regulation; to require that the state and its agencies, as well as counties in the state and their agencies, develop and observe certain guidelines in promulgating or implementing regulatory programs so as to minimize the likelihood of inverse condemnation payments by governmental units in the state; to provide for a statute of limitations for inverse condemnation actions authorized by this act and for the award of certain costs to plaintiffs; to make provision for repeal and rescission of applicability of regulatory programs in certain situations; to provide for appropriate adjustments to appraised values for ad valorem tax purposes in cases of inverse condemnations payments so made.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Agriculture, Forestry and Natural Resources, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for inverse condemnation civil actions as an additional remedy and method of relief for owners of real property in the State the value of which is diminished as a result of State or certain local governmental regulation; to require that the State and its agencies, as well as counties in the State and their agencies, develop and observe certain guidelines in promulgating or implementing regulatory programs so as to minimize the likelihood of inverse condemnation payments by such governmental units in the State; to provide for a statute of limitations for inverse condemnation actions authorized hereby and for the award of certain costs to plaintiffs; to make provision for repeal and rescission of applicability of regulatory programs in certain situations; to provide for appropriate adjustments to appraised values for ad valorem tax purposes in cases of inverse condemnations payments so made; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Short Title. This Act may be referred to and cited as "The Alabama Private Property Protection Act of 1995."

Section 2. Definitions. The following words and phrases as used in this act shall have the following respective meanings.

(1) **DIMINUTION IN VALUE**. A reduction in the fair market value of an Owner's interest in real property resulting from the Owner's real property or the Owner's use thereof being made subject to or being affected by the Implementation or Promulgation of a Regulatory Program, including the denial of any permit, license, authorization or governmental permission respecting the use of such real property, and thereby constituting a taking under the provisions of the Fifth Amendment to the United States Constitution and Sections 23 and 235 of the Constitution of Alabama of 1901.

(2) **IMPLEMENTATION OF A REGULATORY PROGRAM**. Action by a Subject Governmental Unit responsible for or charged with the enforcement or execution of a Regulatory Program to apply the provisions thereof to real property in such a manner as may result in a Diminution in Value.

(3) **INVERSE CONDEMNATION ACTION**. A civil action brought by an Owner of an interest in real property against an officer or official of a Subject Governmental Unit pursuant to the right so to do as herein provided for the recovery of compensation in an amount equal to the Diminution in Value of said interest (or the entire value thereof in certain instances) occurring as a result of either the Implementation of a Regulatory Program or the Promulgation of a Regulatory Program.

(4) **OWNER.** The holder of any legally recognizable interest in real property at the time of the Implementation or Promulgation of a Regulatory Program other than a Subject Governmental Unit, a city, town or municipal corporation, the United States or any state thereof or any agency or instrumentality of any thereof.

(5) **PROMULGATION OF A REGULATORY PROGRAM.** The enactment or passage by a Subject Governmental Unit of a Regulatory Program that operates without further governmental action to apply to real property in such a manner as may result in a Diminution in Value.

(6) **REGULATORY PROGRAM.** Statutes, ordinances, orders and resolutions of Subject Governmental Units or the respective governing bodies thereof relating to zoning, land use planning, environmental protection, land use permitting, required dedications or exactions from Owners of real property (other than ad valorem taxes and special assessments imposed for payment of the costs of provision of specific services or improvements directly relating to such real property), or any administrative rules and regulations promulgated by Subject Governmental Units for the implementation of any of the foregoing. Provided, however, the previous sentence hereof to the contrary notwithstanding, the term "Regulatory Program" as used herein shall not apply with respect to such statutes, ordinances, orders and resolutions and implementing rules and regulations as shall be specifically required by the United States or an agency thereof to be adopted or taken by such Unit, unless the United States or such agency thereof shall provide or shall have provided to the Subject Governmental unit funds with which to carry out such mandate.

(7) **SUBJECT GOVERNMENTAL UNIT.** The Legislature, or any committee, office or subdivision thereof; the Governor or any board, authority, commission, council, committee, department, office or agency in the executive branch of State government; any county or other political subdivision of the State other than an incorporated city or town or municipal corporation; and any other State or local governmental entity that is authorized by law to promulgate, implement, adopt or enforce Regulatory Programs, other than such an entity the members of the governing body of which are appointed solely by an elective official or officials of one or more municipal corporations.

Section 3. Declaration of Policy and Statement of Legislative Intent. The Legislature declares that it is the policy of the State of Alabama, under the Fifth Amendment to the United States Constitution and Sections 23 and 235 of the Constitution of Alabama of 1901, for owners of real property in the State to be justly compensated for takings of rights and interests in their real properties occurring through the promulgation or implementation by Subject Governmental Units of Regulatory Programs, in situations in which such takings may amount to takings of less than all rights and interests in the real property affected. The Legislature further finds and declares that its delegations of regulatory powers to its agencies and political subdivisions that result in such takings constitute delegations of the power of eminent domain. The Legislature recognizes that the mechanisms for providing just compensation to Owners in the event of such partial

takings have not heretofore been adequate for the purposes of implementing this policy and that an additional remedy is needed. Officers and officials of Subject Governmental Units are thus hereby charged with the responsibility and legal duty to ensure that just compensation is paid as provided for in this Act for those partial takings of real property hereafter occurring in the State due to the Implementation or Promulgation of Regulatory Programs by Subject Governmental Units.

Therefore, in enacting this Act it is the intent of the Legislature to provide for a new, special cause of action that may be brought in the circuit courts of this State by Owners to recover, as and to the extent set out herein, the Diminutions in Value of their property caused by the future Implementation or Promulgation of Regulatory Programs by Subject Government Units in the State, as well as to require Subject Government Units to review all their future regulatory actions so as to take into account the costs likely to be incurred as a result of this Act, and to ensure appropriate ad valorem tax adjustments to reflect Diminutions in Value for which compensation is paid pursuant to this Act.

Section 4. Diminution in Value -- Inverse Condemnation Actions Authorized. Whenever the application of a statute, regulation, rule, guidelines or policy by a Subject Governmental Unit to or respecting any real property located in the State through the Implementation or Promulgation of a Regulatory Program by such Subject Governmental Unit, including, but not limited to, the denial of any permit, license, authorization or governmental permission under such Regulatory Program by such Subject Governmental Unit, shall be alleged to have caused a Diminution in Value of any interest in such real property, the Owner of such interest may file and maintain in the Circuit Courts of the State, as hereinbelow provided, a civil action of inverse condemnation against the officers of said Subject Governmental Unit, in their official capacities, for recovery, at the option of said Owner, of either (1) monetary damages equal to the amount of the alleged Diminution in Value as just compensation therefor, or (2) if the alleged Diminution in Value is ultimately found to exceed 50% of the fair market value of the interest in property affected, the amount of the entire fair market value of the affected interest in property prior to such Diminution in Value, upon payment of which amount of the fair market value thereof as just compensation therefor transfer of title to the affected property in question to the Subject Governmental Unit shall be made. Upon a determination in an Inverse Condemnation Action that a Diminution in Value of the subject interest in real property has occurred as a matter of fact because of the Implementation or the Promulgation of a Regulatory Program, the monetary amount of the Diminution in Value shall then be determined by the finder of fact in the inverse condemnation action from the evidence presented therein and the Owner of said interest shall be entitled to a judgement against the aforesaid officers of the Subject Governmental Unit, in their official capacities as such, as well as the Subject Governmental Unit itself for the amount of either the Diminution in Value or the entire fair market value of the Owner's interest in the property upon transfer of title thereto to the Subject Governmental Unit, as the case may be, in order to compensate the Owner for the taking of the Owner's interest in property thereby effected. Recovery of legal fees by any party shall not be allowed in any inverse condemnation action brought pursuant to this act, but other costs of the Owner

actually incurred in connection therewith, including expert witness fees, shall be assessed against the other party to such civil action if a Diminution in Value is determined to have occurred. Inverse Condemnation Actions authorized by this Act may be filed only in the Circuit Court for the county in which the Owner's real property affected by the Regulatory Program allegedly causing a Diminution in Value is located. The Owner filing the action and the defendant officials of the Subject Governmental Unit shall each be entitled to a trial by jury. The Complaint filed in an Inverse Condemnation Action shall describe with specificity all of the following: (a) the particular affected parcel of real property or affected portion thereof alleged to have suffered Diminution in Value pursuant to Implementation or Promulgation of a Regulatory Program, (b) the nature of the interest of the Owner therein and (c) the estimated amount of the Diminution in Value of such interest and whether the Owner will seek to transfer title to said Owner's interest in the affected property if the Diminution in Value is ultimately proven to exceed 50% of the fair market value of the property interest before the Implementation or Promulgation of the Regulatory Program. Inverse Condemnation Actions shall be subject to all the requirements, rules and conditions applicable to civil actions brought in circuit courts of this State generally, except to the extent altered or affected by this Act. If during the pendency of any Inverse Condemnation Action, the statute, regulation, rule, guideline or policy respecting the Regulatory Program that is alleged by an Owner to result in Diminution in Value of the real property in question is repealed or rescinded, or if the permit, license, authorization or governmental permission at issue with respect to such property is granted or if Implementation of the Regulatory Program in question otherwise ceases prior to final judgement in such civil action from which a further appeal does not then lie, then the Owner may recover in the pending Inverse Condemnation Action only said Owner's reasonable and necessary costs of litigation incurred to date other than attorney's fees, together with any monetary losses actually sustained by reason of the Implementation or Promulgation of the Regulatory Program that gave rise to the Inverse Condemnation Action.

No recovery shall be allowed in an Inverse Condemnation Action brought pursuant to this Act if the defendant shall prove as a matter of law that the Diminution in Value alleged in the Inverse Condemnation Action occurs, if at all, (1) where the affected use or proposed use of the real property alleged to have suffered a Diminution in Value because of the implementation or promulgation of a regulatory program amounts to a public nuisance under Alabama law, (2) as a result of the exercise of the Power of Eminent Domain by a Subject Governmental Unit, (3) as a result of law enforcement activity involving seizure or forfeiture of property in connection with violations of criminal law or as evidence in criminal proceedings, or in connection with execution of a valid final judgment in another civil action or for the collection of taxes, or (4) because of the repeal or rescission of any statute, rule or regulation effecting the discontinuance of a Regulatory Program or Programs or lessening the effect thereof on the use or enjoyment of real property.

Section 5. Subsequent Repeals or Rescissions. In the event a Subject Governmental Unit repeals a Regulatory Program, or rescinds the Implementation

of a Regulatory Program complained of in a civil action brought under the provisions of this Act, after a judgment in such action shall have become final and unappealable, such a subsequent repeal or rescission shall not entitle the Subject Governmental Unit to lawfully refuse to pay, or to obtain return of payment (if theretofore made) of moneys paid in satisfaction of, such judgment.

If any Subject Governmental Unit the actions of which are determined pursuant to the provisions of this Act to constitute inverse condemnation for which compensation shall be required to be paid to an Owner pursuant to the provisions hereof shall refuse to pay or otherwise fail to pay the amount of any final judgment awarded pursuant to a civil action brought pursuant to the provisions of this Act, then the Owner shall be entitled to petition the Court entering the aforesaid judgment for an order of the Court rescinding the application to the said Owner's affected real property of the Regulatory Program with respect to the promulgation or Implementation of which such judgment was entered, upon proper proof satisfactory to the Court that such payment has not in fact been made to said Owner and after the Court's hearing and determining the validity of any objections that the Subject Governmental Unit may raise to such payment, including lawful offsets for unpaid taxes owed by the Owner, etc.

Section 6. Guidelines. Every Subject Governmental Unit in the State shall develop and adopt guidelines to identify those of its regulatory actions or proposed regulatory actions that may result in liability in an Inverse Condemnation Action brought under the provisions of this Act. The guidelines shall be adopted on or before January 1, 1996, and in the case of State agencies shall be filed on or prior to that date with the Joint Committee on Administrative Regulation Review established pursuant to Section 41-22-22, Code of Alabama 1975, as heretofore amended, accompanied by an estimate of the annual financial costs for inverse condemnation compensation potentially payable under this Act likely to result therefrom and the available sources of payment therefor within the budget of the Subject Governmental Unit if liability is determined to be likely. Each Such Governmental Unit shall review and update its respective guidelines at least annually in order to maintain consistency with applicable provisions of law. The guidelines shall at a minimum contain requirements (a) that the Subject Governmental Unit shall determine, with respect to any proposed action implementing a Regulatory Program, the likely costs of such action in view of the provisions of this Act, and (b) that the Subject Governmental Unit shall consider alternatives to the proposed implementation of any Regulatory Program that may fulfill the legal obligations of the Subject Governmental Unit while reducing to the extent practicable the impact of such Regulatory Program on the owners of real property in the State in order to reduce the risk of liability for inverse condemnation payments under the provisions of this Act. In the case of Subject Governmental Units that are State agencies, the promulgation of any new rule or regulation respecting a Regulatory Program expected to result in a diminution in value of any real property in the State shall be submitted to the aforesaid joint committee in accordance with the requirements of subsection (f) of Section 41-22-23, Code of Alabama 1975, as heretofore amended, accompanied by an estimate of the annual financial costs for inverse condemnation compensation potentially payable

under this Act likely to result therefrom and the available sources of payment therefor within the budget of the Subject Governmental Unit if liability is determined to be likely.

Section 7. Application; Statute of Limitations.

(a) **No Retroactive Application.** No Inverse Condemnation Action may be brought pursuant to the provisions of this Act with respect to those statutes, regulations, rules, guidelines, actions or policies implementing or promulgating Regulatory Programs enacted, promulgated or adopted prior to the effective date of this Act, nor to any provision or condition of any permit, authorization or governmental permission granted prior to and in effect as of the effective date of this Act pursuant to a Regulatory Program, nor to the denial prior to the effective date of this Act of any such permit, authorization or governmental permission.

(b) **Statute of Limitations.** Inverse Condemnation Actions brought pursuant to this Act may only be filed by an Owner of an interest in real property in the State within the period commencing with the date of the Implementation or Promulgation of the Regulatory Program by the Subject Governmental Unit allegedly resulting in the Diminution in Value of said Owner's real property and ending on the date six years thereafter.

Section 8. Other Rights Not Restricted. Nothing in this Act shall restrict any remedy or any right which any Owner or other person or class of persons may have pursuant to the United States Constitution or the Constitution of Alabama of 1901, as amended, or under any statute or laws of the State of Alabama or of the United States.

Section 9. Tax Adjustment. In determining the value for ad valorem tax purposes of real property suffering Diminution in Value as determined pursuant to an Inverse Condemnation Action brought pursuant to this Act, the County Tax Assessor for the County in which said property is located or such other person or entity as shall be charged with determining the appraised value of said real property for ad valorem tax purposes in said County shall, upon presentation of proper evidence thereof, reduce the appraised value of such real property for ad valorem tax purposes by the amount of compensation awarded the Owner of said property in any Inverse Condemnation Action brought pursuant to this Act, other than for costs as provided for in this Act, for the ad valorem tax year commencing on October 1 of the year immediately following the date on which such compensation is received and for each ad valorem tax year thereafter so long as the Implementation of Promulgation of the Regulatory Program that gave rise to said award shall remain applicable and shall be applicable or applied with respect to said real property; provided, however, the foregoing to the contrary notwithstanding, upon the sale of said real property subsequent to the receipt of the aforesaid compensation, the said County Tax Assessor or other charged person as aforesaid may thereafter utilize the sales price paid with respect to said real property, along with all other factors that may lawfully be utilized in determining the appraised value of real property for ad valorem tax purposes, in determining the appraised value of said property for ad valorem tax purposes, without any reduction as hereinabove provided for.

Section 10. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional by any Court of competent jurisdiction, that declaration shall not affect the part which remains.

Section 11. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Johnson (R), Knight (A), Laird, Layson, Letson, Lindsey, Maull, McKee, McMillan, Melton, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-77

AMENDMENT OFFERED

Representative Lindsey offered the following amendment to the bill, H. 498, as amended:

Amend Sub. to H. 498 on Page 11, line 26, before the period by inserting the following: , provided, however, in the case of action by the Legislature itself giving rise to the necessity for making the aforesaid submission, such submission shall refer not to the budget of the Legislature but to the fund or funds of the State that the Legislature shall anticipate utilizing as a source or sources of payment of the aforesaid estimated financial costs

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-81

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 307. To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer certain controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

McDOWELL LEE
Secretary

H. 498 RESUMED

AMENDMENT OFFERED

Representative Baker offered the following amendment to the bill, H. 498, as amended:

Amend Substitute House Bill 498 on page 4, lines 19 and 20, by deleting the following: "other than an incorporated city or town or municipal corporation;".

AMENDMENT TABLED

On motion of Representative Lindsey, the amendment offered by Representative Baker to the bill, H. 498, as amended, was tabled.

Yeas 47; Nays 27.

Yea:

Representatives Carns, Carter, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hogan, Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Morrow, Murphree, Newton (C), Newton (D), Parker (T), Payne, Penry, Robinson, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Warren, White, Willis and Wren.

-47

Nay:

Representatives Baker, Black (L), Boyd, Burke, Buskey, Clark (W), Clouse, Gipson, Hall (A), Hall (L), Haney, Hawk, Hinshaw, Holmes, Houston, Johnson (R), Maull, Minnifield, Mitchell, Moore, Morrison, Papucci, Parker (P), Rogers (M), Seibenhener, Vance and Venable.

-27

AMENDMENT OFFERED

Representative White offered the following amendment to the bill, H. 498, as amended:

Amend H. 498, as substituted, on page 13, after line 27, by adding the following section and renumbering succeeding sections:

"Section 11. This Act shall not apply to any actions taken by the Alabama Department of Transportation nor to any rules and regulations adopted and prescribed by the Alabama Department of Transportation pursuant to Section 23-1-59, Code of Alabama, 1975. Further, this Act shall not apply to actions of County Commissions regarding construction, repair or renovation of county roads or bridges."

AMENDMENT TABLED

On motion of Representative Lindsey, the amendment offered by Representative White to the bill, H. 498, as amended, was tabled.

Yeas 65; Nays 19.

Yea:

Representatives Baker, Box, Boyd, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Morrison, Morrow, Murphree, Page, Papucci, Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Warren, Willis and Wren.

-65

Nay:

Mr. Speaker, Allen, Burke, Carter, Collins, Hall (L), Hayden, Minnifield, Moore, Newton (C), Newton (D), Parker (P), Parker (T), Rogers (M), Starkey, Turnham, Vance, Venable and White.

-19

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 65. Relating to the Department of Public Safety; to establish the Public Safety Motor Vehicle Replacement Fund to replace the Department of Public Safety law enforcement motor vehicles and to provide for an appropriation to the Department of Public Safety from the Public Safety Motor Vehicle Replacement Fund in the amount of two million dollars (\$2,000,000) for the fiscal year ending September 30, 1996.

TOMMY CARTER
Chairman

And the bill, H. 65, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 543. To amend Chapter 19 of Title 5 of the Code of Alabama 1975, as amended, commonly known as the "Mini-Code," which pertains to consumer credit transactions; to amend Section 5-19-3, to provide that credit sales may be financed at one and one-half percent per month; to amend Section 5-19-4, to permit annual charges for open-end credit plans and loan fees and to increase permissible late charges which may be imposed for late payment; to amend Section 5-19-4, to specify that recording taxes prescribed by law and paid to public officials are within the fees permitted by subsection (f) of Section 5-19-4; to amend Section 5-19-6, to specify the requirement that creditors provide a copy, but not a "duplicate" of any consumer credit agreement with the borrower and to clarify that the type size of the "caution" language shall be in not less than eight-point type; to amend Section 5-19-11, to further specify the 1990 Amendments to that section, restating that a consumer credit contract that violates the Mini-Code is not completely void and unenforceable as a result of the violation; to amend Section 5-19-16, to only allow the unconscionability doctrine as a defense, and not to obtain affirmative relief, and to affirmatively state that a creditor who performs under a contract later determined to be unconscionable, is entitled to restitution; to amend Section 5-19-19, to specify that the imposition of excess charges or fees by creditors under Sections 5-19-4, 5-19-10, and 5-19-20, does not constitute the charging of an excess finance charge for the purposes of Section 5-19-19, and to modify the penalty for a creditor who charges an excess finance charge by first requiring an aggrieved debtor to give notice to the creditor charging an excess finance charge, giving the creditor an opportunity to cure the same without penalty, and to provide that if the creditor fails to act upon the notice, the creditor then forfeits its right to a finance charge and is required to pay any actual damages sustained by the borrower; to amend Section 5-19-20, to specify the ability of creditors to protect their interest in consumer loan collateral by permitting creditors to purchase insurance on the collateral if the borrower fails to do so and to clarify existing law with respect to insuring the lien of the creditor in both purchase money and nonpurchase money transactions, and to give the administrator the power to approve the sale of new credit insurance products; to amend Section 5-19-21, to empower the administrator to issue interpretive rulings concerning the meaning of the Mini-Code or the administrator's regulations and to provide that a creditor is entitled to rely on the administrator's regulations and official interpretive rulings and is immune from suit under the Mini-Code or any other cause of action regarding actions taken in reliance thereon; to amend Section 5-19-24, to provide that examinations and investigations of the State Banking Department and the books and records of licensees in the possession of the State Banking Department, are confidential and not subject to production to

persons other than those within the State Banking Department; and to add two new sections to Title 5, Chapter 19, as follows: Section 5-19-32, to specifically provide for mediation, arbitration, or other alternative dispute resolution devices in consumer credit transactions; and Section 5-19-33, to permit creditors to sell and finance service policies, or both, and to define a service policy as not constituting insurance.

TOMMY CARTER
Chairman

And the bill, H. 543, as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 500. To amend Section 37-1-80, Code of Alabama 1975, to provide that the Alabama Public Service Commission may adopt methods of regulation other than rate of return on a determined rate base.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 120. To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be

made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 34. Relating to Madison County; providing for an additional expense allowance and for the salary of the coroner.

Also:

S. 433. Relating to Morgan County, to propose an amendment to the Constitution of Alabama of 1901, to authorize the Morgan County Commission to continue to levy a county-wide 4.3 mill and 1.5 mill ad valorem tax as originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the benefit of all public schools in Morgan County.

Also:

S. 438. Relating to Morgan County; to authorize the Morgan County Commission to continue to levy a four mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the benefit of the Hartselle city schools.

Also:

S. 440. Relating to Morgan County; to authorize the Morgan County Commission to continue to levy a 3.6 mill ad valorem tax originally authorized by the people on January 17, 1967, and scheduled to expire on September 30, 1995, for the Decatur public schools.

Also:

S. 441. Relating to Morgan County, to authorize the Morgan County Commission to continue to levy a four mill ad valorem tax originally authorized by

the people on January 17, 1967 and scheduled to expire on September 30, 1995, for the benefit of the schools under the jurisdiction of the Morgan County Board of Education.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

H. 498 RESUMED

AMENDMENT OFFERED

Representative Rogers (M) offered the following amendment #1 to the bill, H. 498, as amended:

Amend Substitute House Bill 498 on page 7, line 17 after the word "Owner", insert the words "or Subject Governmental Unit".

Further amend on page 7, line 20 after the word "occurred" insert the following: "or not occurred".

AMENDMENT TABLED

On motion of Representative Lindsey, the amendment #1 offered by Representative Rogers (M) to the bill, H. 498, as amended, was tabled.

Yeas 53; Nays 13.

Yea:

Representatives Box, Carns, Carothers, Crigler, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Graham, Guin, Hall (A), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Morrison, Morrow, Murphree, Page, Papucci, Payne, Penry, Robinson, Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Venable, Warren and Willis.

Nay:

Representatives Burke, Carter, Clouse, Gipson, Hall (L), Hawk, Holmes, Johnson (E), Minnifield, Moore, Parker (P), Rogers (M) and Sanderson.

-13

AMENDMENT OFFERED

Representative Rogers (M) offered the following amendment #2 to the bill, H. 498, as amended:

Amend Substitute House Bill 498 on page 2, line 22 by deleting "or affected by".

Further amend Substitute House Bill 498 on page 2, line 23 by inserting after the word "the", the word "improper".

Further amend on page 2, line 25 after the comma insert the following: "provided the governmental action was directly upon the property,".

AMENDMENT TABLED

On motion of Representative Lindsey, the amendment #2 offered by Representative Rogers (M) to the bill, H. 498, as amended, was tabled.

Yeas 61; Nays 16.

Yea:

Representatives Black (L), Boyd, Carns, Carothers, Carter, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Payne, Penry, Rogers (J), Sanderford, Sims, Smith, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-61

Nay:

Representatives Baker, Burke, Clouse, Curry, Gipson, Hawk, Hilliard, Holmes, Johnson (E), Minnifield, Moore, Petelos, Rogers (M), Sanderson, Seibenhener and Spratt.

-16

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Baker inadvertently voted "Nay" and intended to vote "Yea" on the motion offered by Representative Lindsey to table the amendment #2 offered by Representative Rogers (M) to the bill, H. 498, as amended.

AMENDMENT OFFERED

Representative Venable offered the following amendment to the bill, H. 498, as amended:

On page 4, lines 18, 19 & 20 delete the sentence: "any county or other political subdivision of the State other than an incorporated city or town or municipal corporation;

AMENDMENT TABLED

On motion of Representative Lindsey, the amendment offered by Representative Venable to the bill, H. 498, as amended, was tabled.

Yeas 50; Nays 28.

Yea:

Representatives Box, Boyd, Carns, Carothers, Clouse, Dolbare, Drake, Dukes, Graham, Guin, Hall (A), Hamilton, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Mitchell, Morrison, Morrow, Murphree, Page, Papucci, Robinson, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Warren, Willis and Wren.

-50

Nay:

Representatives Allen, Baker, Burke, Collins, Crigler, Curry, Dean, Flowers, Fuller, Gaston, Gipson, Hall (L), Hawk, Hayden, Jackson, Minnifield, Moore, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (M), Turnham, Vance and Venable.

-28

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 120. To amend Section 34-24-59, Code of Alabama 1975, relating to the reporting of physician disciplinary actions; to provide that the required report be made within 60 days of the initial action; to provide that failure on the part of a chief administrative officer to file a report required under this section shall authorize the State Board of Health to impose on any hospital found to be in violation of the reporting requirements of this section, a civil monetary penalty for each violation; and to provide that all monies collected pursuant to this section shall be retained by the Alabama Department of Public Health and may be expended for any legal purpose including operational expenses of the department.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 363. To amend Section 9-11-235 of the Code of Alabama 1975, relating to the taking of certain animals and birds at night, so as to further provide for the penalties for violations.

McDOWELL LEE
Secretary

H. 498 RESUMED

And the bill:

H. 498. To provide for inverse condemnation civil actions as an additional remedy and method of relief for owners of real property in the State the value of which is diminished as a result of State of certain local governmental regulation; to require that the State and its agencies, as well as counties in the State and their agencies, develop and observe certain guidelines in promulgating or implementing regulatory programs so as to minimize the likelihood of inverse condemnation payments by such governmental units in the State; to provide for a statute of limitations for inverse condemnation actions authorized hereby and for the award of certain costs to plaintiffs; to make provision for repeal and rescission of applicability of regulatory programs in certain situations; to provide for appropriate adjustments to appraised values for ad valorem tax purposes in cases of inverse condemnations payments so made; and to provide an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

Nay:

Representatives Hall (L), Hawk, Minnifield, Newton (D), Parker (P) and Rogers (M).

- 6

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Thomas (D) intended to vote "Yea" and Representative Hilliard inadvertently voted "Yea" and intended to vote "Nay" on passage of the bill, H. 498, as amended.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 307. To amend Sections 34-22-1, 34-22-4, 34-22-6, 34-22-8, 34-22-20, 34-22-21, 34-22-23, 34-22-42, and 34-22-43, Code of Alabama 1975; to further define and regulate the practice of optometry and to allow approved optometrists to prescribe and administer certain controlled substances for treatment purposes; and to prescribe penalties for violations of this act.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 438, without the Governor's signature and with a suggested Executive Amendment.

Done this 13th day of June, 1995.

Respectfully submitted,

William P. Gray
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 438, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 438:

Please amend House Bill Number 438 on page 2, line 27 by deleting the language beginning with the word "Notwithstanding," continuing onto page 3, lines 1 through 4, and ending with the word "industry".

Further amend House Bill Number 438 by replacing the above language with the following language "Notwithstanding the foregoing, wages of direct processors of agriculture food products shall be subject to the local labor market."

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 13th day of June, 1995.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

On motion of Representative Hooper, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 438, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 98; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R),

Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-98

Nay:

Representatives Page and Payne.

- 2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 195. Relating to an income taxation for corporations; to provide income tax credits under certain conditions for certain corporations contracting to purchase coal mined in Alabama.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Guin, the House concurred in and adopted the Senate amendment to the bill, H. 195, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to an income taxation for corporations; to provide income tax credits under certain conditions for certain corporations contracting to purchase coal mined in Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the tax years beginning on and after January 1, 1995, every corporation, foreign or domestic, that is doing business in Alabama, has been incorporated for at least one year, has been using coal mined in Alabama for at least one year, and does not export coal from Alabama, shall be allowed a credit against the tax imposed by Section 40-18-2 of the Code of Alabama 1975, in the amount of one dollar (\$1) per ton of coal purchased by the corporation after January 1, 1995, provided the coal was mined and sold in Alabama as certified by the producer of the coal and the coal was used in Alabama as certified by the user of the coal. The amount of the total of credit in any one year shall be based on the number of tons of coal purchased by the corporation in the year which exceeds the number of tons of Alabama coal purchased by the corporation in calendar year 1994. In the event a corporation did not purchase Alabama coal during 1994, the amount of the total of credit in any one year shall be based on the number of tons of coal purchased by the corporation in the year which exceeds the number of tons of Alabama coal purchased by the corporation in the previous calendar year. If the purchaser and producer of the coal so agree, the tax credit otherwise available to a purchaser of coal hereunder may be taken and utilized by the coal producer if the value of such credit is passed through to the coal purchaser through a price reduction.

Section 2. The Department of Revenue shall promulgate and issue rules and regulations to implement and administer this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 150. To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 396. Relating to Talladega County; providing further for the fees of constables.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Sims, the House concurred in and adopted the Senate amendment to the bill, H. 396, said Senate amendment being as follows:

Amend House Bill 396, beginning on page 1, Section 2, line 25, after the word "Governor" delete the following: ", or upon its by the Governor"

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson,

Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Willis and Wren.

-77

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 451. To amend Sections 34-37-4, 34-37-5, and 34-37-6 Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to extend the time period in which certain applicants may be licensed by the board without being required to take an examination.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain:

S. 39. To amend Section 9-11-7 of the Code of Alabama 1975, to authorize a district attorney's fee to be taxed against the defendant in the district courts of this state in cases involving violations of the game and fish laws or rules and regulations in the same manner as a district attorney's fee is taxed and collected in all other cases in the district courts of this state.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 39. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Mitchem:

S. 88. To provide that an incorporated municipality may regulate and license junkyards within its police jurisdiction to the same extent as if the junkyard located in its corporate limits and a county may regulate and license junkyards outside the police jurisdiction of municipalities in the county to the same extent; and to exempt scrap metal processors.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 88. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bedford:

S. 95. To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of probate judge, and to provide for an effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 95. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchem:

S. 96. Regulating the discharge of sewage and litter from certain vessels and boats; specifying that the Department of Environmental Management is the responsible agency; regulating sanitation facilities at marinas; levying certain fees and providing for distributions; establishing a Boat and Marina Advisory Committee and a Boat and Marina Fund, and specifying their functions; providing certain civil immunity to members of the advisory committee; authorizing the filing of certain civil actions and specifying certain criminal penalties and certain fines; repealing certain conflicting laws; and specifying a prospective effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 96. Navigation and Waterways.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Butler:

S. 128. To amend Section 14-3-30, Code of Alabama 1975, relating to the transfer of state inmates from county jails; to provide that when an inmate sentenced to the custody of the Department of Corrections and the department is in receipt of a transcript of such sentence, is housed in a county jail, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department would be financially responsible for the cost of the treatment of the inmate; and to further provide that when an inmate sentenced to the custody of the Department of Corrections and the department is in receipt of a transcript of such sentence is housed in a county jail, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require medical treatment or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate would be transferred within three days to a state owned or operated correctional facility selected by the Commissioner of the Department of Corrections and shall receive treatment as other state inmates.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 128. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Windom:

S. 260. Relating to trusts, providing further for the powers of trustees of express trusts created by trust instrument, without court authorization, in the absence of contrary provisions of the trust instrument; providing for the termination of certain small trusts by action of the trustee where the trustee determines that continued administration of the trust would be too costly; providing for certain discretionary actions that a trustee who is also a beneficiary of an express trust may not take in the absence of a specific authorization in the trust instrument; providing that if two or more persons are appointed co-trustees, acts in connection

with the administration of the trust requires the concurrence of all co-trustees except in certain specified instances and except where the trust instrument otherwise provides; providing for the payment out of the trust estate of the expenses of the trustee in defending or prosecuting proceedings in good faith; providing that the provisions of the act shall apply to all trusts whether created before or after the effective date of the act but only as to decisions or actions occurring after the effective date of the act, and providing for the affirmative election by certain parties in interest to render certain provisions of the act inapplicable to trusts created before the effective date of the act; providing for the repeal of all laws or parts of laws in conflict with the act; providing that the provisions of the act are severable; and providing for an effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 260. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Lipscomb, Figures, Armistead, Hale, Bailey, Waggoner, Dial, Adams, Poole, Windom, Smith, Myers, Ghee, Escott-Russell, Langford, Steele, Davidson, Denton, Little, McClain, Butler, Lindsey, and Hill:

S. 284. To create the Order of Honorable Alabama Generals and Admirals.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 284. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Figures:

S. 328. To provide for an energy and weatherization assistance program; and to create the Neighbors Helping Neighbors Fund; and to provide that the Department of Economic and Community Affairs will administer the monies.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 328. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Freeman:

S. 342. Amending Sections 16-47-10 and 16-52-12, Code of Alabama 1975, permitting police officers of the University of Alabama and Jacksonville State University to carry persons arrested to the nearest municipal court; and specifying the arrest powers of police officers of the University of Alabama.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 342. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Butler, Freeman, and Hale:

S. 371. To exempt the American Bowling Congress and any predecessor organization or entity from the payment of all state, county, and municipal sales and use taxes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 371. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Little:

S. 385. To amend Sections 15-12-1, 15-12-4, and 15-12-25, Code of Alabama 1975, relating to the defense of indigents, to define further the term "indigent defense system" to include the use of a contract counsel system; to provide for and authorize a contract counsel system for use in each county for providing indigent defense services by one or more attorneys, law firms, associations, corporations, or partnerships, pursuant to one or more contracts with the circuit indigent defense commission, approved by the presiding circuit judge; to provide for compensation under each contract to be set by the circuit indigent defense commission, subject to review by the Administrative Director of Courts, and approval by the State Comptroller; and to provide that certain provisions shall not be construed to supersede any provision of the Alabama Rules of Criminal Procedure or any other provision of law relating to public defenders.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 385. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom (With Notice and Proof):

S. 451. Relating to Mobile County; amending Act No. 90-697, H. 991, 1990 Regular Session, which provides for the creation, maintenance, and regulation of districts for fighting or preventing fires, to provide further for the election of the members of the board of trustees and for the filling of vacancies.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 451, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 451. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Little:

S. 460. To amend Section 36-22-63, Code of Alabama 1975, to provide further for purchase of prior service credit in the supernumerary program for sheriffs.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 460. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Denton (With Notice and Proof):

S. 475. Relating to Lauderdale County; to amend Act No. 79-351, S. 181 of the 1979 Regular Session (Acts 1979, p. 565); to further provide for the fee of the Judge of Probate for celebrating the rites of matrimony; and to provide retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 475, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 475. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Smith (With Notice and Proof):

S. 476. Relating to the Etowah County Commission; establishing and defining boundaries of the single-member district county governing body, pursuant to the Joint Remedy Proposal, in the court order dated January 30, 1995, and related orders, in Civil Action No. 89-T-459-E in the United States District Court for the Middle District of Alabama, Eastern Division, in the case of Presley et al v. Etowah County Commission; relating to budgetary and expenditure matters for roads and bridges; relating to duties of the commissioners and the county road supervisor; providing for the chair of the commission; and providing that commissioners shall be on a part-time status; providing for the compensation and expenses of the commissioners; and repealing conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 476, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 476. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hale (With Notice and Proof):

S. 488. Relating to the City of Cullman; to amend Section 3 of Act No. 93-536, S. 560 of the 1993 Regular Session (Acts 1993, p. 882), to further provide for the election of the Cullman City Board of Education.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 488, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 488. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Escott-Russell:

S. 517. To establish the Osteoporosis Prevention and Treatment Education Program within the State Department of Health and to provide financing for the program.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 517. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 360. This bill would require all commercial fishing equipment used in the waters of this state to be affixed with a tag containing the name, address, and social security number or tax identification number of the commercial fisherman, and provide for a penalty.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Sanders:

S.J.R. 90. COMMENDING MRS. LESSIE HUDSON OF ANNEMANIE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 90, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Papucci:

H.R. 250. COMMENDING BARRETT C. SHELTON, JR., OF DECATUR, ALABAMA.

Also:

By Representative Turnham:

H.R. 251. COMMENDING DR. OSCAR STRICKLAND FOR 39 YEARS OF DISTINGUISHED PUBLIC SERVICE TO THE STATE OF ALABAMA.

Also:

The following resolutions were introduced:

Representatives Carothers, Turner, Laird, Layson, Dolbare, Gaston, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 252. COMMENDING DENNY H. "JACK" BREWER, JR., FOR OUTSTANDING SERVICE ON THE OCCASION OF HIS RETIREMENT.

The resolution, H.J.R. 252, was read and referred to the Standing Committee on Rules.

Also:

By Representative Flowers:

H.J.R. 253. COMMENDING THE GEORGE W. LONG HIGH SCHOOL BOYS BASEBALL TEAM FOR OUTSTANDING ACCOMPLISHMENTS.

The resolution, H.J.R. 253, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Clouse, Seibenhener, Baker and Carothers:

H.J.R. 254. COMMENDING THE G. C. WALLACE STATE COMMUNITY COLLEGE GOLF TEAM FOR TREMENDOUS ACCOMPLISHMENTS.

The resolution, H.J.R. 254, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 9:12 A.M. on June 13, 1995.

H. 135

Delivered to the Governor at 1:47 P.M. on June 13, 1995.

H. 438

H. 114

Delivered to the Governor at 3:40 P.M. on June 13, 1995.

H.J.R. 219

H. 432

H.J.R. 220

H. 452

H.J.R. 222

H. 485

H.J.R. 231

H. 486

H. 68

H. 497

H. 302

H. 514

H. 1

H. 545

H. 92

H. 546

H. 284

Delivered to the Governor at 4:45 P.M. June 13, 1995.

H. 500

Delivered to the Governor at 5:35 P.M. June 13, 1995.

H. 120

GREG PAPPAS
Clerk**ADJOURNMENT**

On motion of Representative Clark (W), the House adjourned until 1:00 o'clock p.m., Wednesday, June 14, 1995.

Yeas 61; Nays 23.

Yea:

Representatives Allen, Bandy, Black (L), Boyd, Buskey, Carns, Carothers, Clark (W), Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Graham, Guin, Hall (L), Hamilton, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (R), Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morton, Newton (D), Page, Payne, Pringle, Reed, Sanderford, Sims, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Warren, White, Willis and Wren.

-61

Nay:

Mr. Speaker, Clouse, Collins, Curry, Gaines, Gaston, Gipson, Hall (A), Hammett, Hinshaw, Knight (A), Moore, Morrison, Morrow, Papucci, Parker (P), Petelos, Robinson, Rogers (M), Sanderson, Smith, Thomas (D) and Venable.

-23

SEVENTEENTH DAY

**House of Representatives
Montgomery, Alabama
Wednesday, June 14, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Graham.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Quisha Riche, 6th Grade, Challenger Middle School, Huntsville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixteenth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the sixteenth legislative day was dispensed with.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 438. To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the capital credit authorized by this act shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the Authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that such provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for such new projects.

by a majority of the whole number elected to the Senate, said vote being: Yeas 29, Nays 0.

And said Bill, HB 438, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 498. To provide for inverse condemnation civil actions as an additional remedy and method of relief for owners of real property in the State the value of which is diminished as a result of State or certain local governmental regulation; to require that the State and its agencies, as well as counties in the State and their agencies, develop and observe certain guidelines in promulgating or implementing regulatory programs so as to minimize the likelihood of inverse condemnation payments by such governmental units in the State; to provide for a statute of limitations for inverse condemnation actions authorized hereby and for the award of certain costs to plaintiffs; to make provision for repeal and rescission of applicability of regulatory programs in certain situations; to provide for appropriate adjustments to appraised values for ad valorem tax purposes in cases of inverse condemnations payments so made; and to provide an effective date.

TOMMY CARTER
Chairman

And the bill, H. 498, as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Representative Hammett:

H.J.R. 255. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, June

22, 1995, they adjourn to meet again on Tuesday, June 27, 1995, and when they adjourn on Tuesday they adjourn to meet again on Wednesday, June 28, 1995, and when they adjourn on Wednesday they adjourn to meet again on Thursday, June 29, 1995.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, the rules were suspended in order to take up for immediate consideration the foregoing resolution, H.J.R. 255.

RESOLUTION ADOPTED

On motion of Representative Hammett, the resolution, H.J.R. 255, was adopted.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 9:00 o'clock a.m. on Thursday, June 15, 1995, and the motion was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hammett, the rules were suspended in order to receive reports of the Standing Committees and the call of Districts for the Introduction of Bills and Resolutions and to take up uncontested local bills on the Calendar.

BILLS ON SECOND READING

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 658. (With Amendment): To amend Section 32-1-4, Code of Alabama 1975, relating to the arrest of a person for driving with a revoked driver's license; to provide for the arrest of a person driving while his or her driver's license or privilege is revoked or suspended, and to further provide for the impoundment and the redemption or sale of a motor vehicle driven by a person whose driver's license has been revoked or suspended.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 765. To amend Section 2 of Act No. 94-823 of the 1994 First Special Session, now appearing as Section 16-36-29.1 of the Code of Alabama 1975; to provide for the purchase of equipment or electrical equipment by schools or teachers with funds allocated by the local board of education.

H. 806. To amend Sections 40-2A-5, 40-2A-7, 40-2A-9, 40-2A-10, and 40-2A-11, Code of Alabama 1975; to provide further for the administrative procedures and operations of the Department of Revenue.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 496. (With Substitute): Amending Sections 30-5-1, 30-5-2, 30-5-3, 30-5-4, 30-5-5, 30-5-6, 30-5-7, 30-5-8, 30-5-9, and 30-5-10 of the Code of Alabama 1975, relating to protection from abuse orders; to specify the purposes of the law, to expand the meaning of abuse and family and household members and to define certain other terms; to specify how an order may be obtained, jurisdiction, venue, hearings and legal proceedings, and for the content and issuance of protection orders; to provide remedies and relief; to prescribe criminal penalties; and to provide for a prospective effective date.

H. 327. (With Substitute): To amend Section 13A-10-37 of the Code of Alabama 1975, relating to the crime of promoting prison contraband in the second degree; to make the possession or promoting of any currency or coin not authorized by the written policies of the Department of Corrections within any correctional detention center or facility unlawful and punishable as a Class C felony under the contraband prohibition; to authorize the Department of Corrections to confiscate and liquidate any currency or coin contraband found on or in the possession of any inmate of the Department of Corrections; to require the department to provide notice relative to the policies on confiscating and liquidating currency or coin contraband to any inmate entering the prison system during processing; to provide that the net proceeds from the currency or coin contraband confiscated or liquidated shall be deposited in the operating fund for the department; and to provide for supplemental effect.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 215. To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

S. 220. To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

H. 736. To require all criminal cases to proceed to trial within 90 days after the defendant is charged by an indictment or information and to provide that cases not brought to trial within 90 days and not continued for specified reasons, would be dismissed; to provide that the 90-day period be increased to 120 days during the first year after the effective date of this act; to specify exceptional circumstances for which a continuance may be granted; to provide for the length of the continuance in certain felony cases; to provide for the empaneling of a grand jury; and to provide an effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 721. (With Amendments): To propose an amendment to the Constitution of Alabama of 1901, to provide that the people of the State of Alabama who are qualified electors may propose the repeal or enactment of general laws or constitutional amendments by an initiative or referendum, subject to the same limitations imposed on the Legislature.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 759. Relating to the Alabama Institute for Deaf and Blind; amending Section 21-1-2 of the Code of Alabama 1975, to alter the composition of the board of trustees of the institution.

H. 753. To amend Sections 34-29-63, 34-29-64, 34-29-65, 34-29-68, 34-29-69, and 34-29-70, Code of Alabama 1975; to provide for the membership, qualifications, and duties of the Alabama State Board of Veterinary Medical Examiners; to change the name of the executive secretary to executive director; and to increase the compensation of the executive director.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 760. (With Amendments): Relating to workers' compensation; to amend Sections 25-5-1, 25-5-8, 25-5-11, 25-5-11.1, 25-5-14, 25-5-51, 25-5-52, 25-5-53, 25-5-56, 25-5-57, 25-5-58, 25-5-59, 25-5-68, 25-5-77, 25-5-78, 25-5-80, 25-5-81, 25-5-90, 25-5-110, 25-5-115, 25-5-226, 25-5-290, 25-5-291, 25-5-292, and 25-5-293, Code of Alabama 1975, and to add Section 25-5-220, Code of Alabama 1975, to make substantial alterations in the existing law.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 523. (With Amendment): To prohibit an employer from discharging an employee serving on active duty within the state as a member of the National Guard; to provide a cause of action for the discharge of an employee; and to provide for both actual and punitive damages.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 561. (With Amendments): To amend Sections 22-18-1, 22-18-3 to 22-18-6, inclusive, Code of Alabama 1975, to conform to the Administrative Procedure Act rulemaking procedures with respect to emergency medical services; to reduce the licensure period for emergency medical technicians and ambulance drivers from three to two years, and to reduce the fee for such licenses from \$15.00 to \$10.00; to clarify language in existing code provisions relating to licensure of emergency medical technicians, ambulance operators, and ambulance drivers; to alter and expand the membership of the existing state emergency medical services advisory board, and to alter and clarify certain of its procedures; to eliminate current criminal penalties for violations of emergency medical services laws and to substitute new more specific provisions; to provide for the revocation of licenses for ambulance drivers, emergency medical technicians, and ambulance operators, to establish the specific grounds leading to adverse licensure action, and to conform such licensure procedures to the Alabama Administrative Procedure Act; to provide for the use of advanced life support procedures by emergency medical technicians and to permit properly staffed emergency vehicles to be equipped with drugs, fluids, and advanced life support equipment; to establish a state emergency medical control committee to advise the board of health; to clarify that the board of health, in fulfilling its responsibilities under the act, must in all cases conform its activities to the Administrative Procedure Act; to clarify that fire suppression activities and non-transport basic life support emergency medical services response of volunteer fire departments shall not be regulated by the board of health; and for other purposes.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 640. To repeal Section 22-11A-15, Code of Alabama 1975, which requires premarital exams and testing for syphilis.

H. 405. To amend Sections 22-13-4 and 22-13-5, Code of Alabama 1975; to provide for the reporting of each confirmed case of cancer to the State Health Officer and to establish the Alabama Statewide Cancer Registry; and to repeal Sections 22-13-2 and 22-13-6 to 22-13-11, inclusive, Code of Alabama 1975.

H. 541. Relating to pharmacists; to provide for the registration and regulation of pharmacy technicians; and to provide for definitions.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 712. (With Amendment): To establish the Osteoporosis Prevention and Treatment Education Program within the State Department of Health and to provide financing for the program.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 474. To require the exchange of immunization status data of patients, upon request, among public and private health care providers, health care insurers, certain educational institutions, and organizations with a need to verify the immunization status of persons in their care, custody, or enrollment; and to provide immunity for the good faith exchange of information pursuant to this act.

S. 517. To establish the Osteoporosis Prevention and Treatment Education Program within the State Department of Health and to provide financing for the program.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 701. To designate the Dusky Gopher Frog as the official state amphibian.

H. 747. To amend Section 2-15-66, Code of Alabama 1975, to further regulate the purchase and sale of livestock at auction for a commission and to provide for the disclosure of the name of the purchaser at the time of the sale under certain conditions.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 735. (With Substitute): To encourage environmental, health, and safety (EHS) audits by creating a limited EHS audit privilege; to provide for the use of the EHS audit privilege.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 63. To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

S. 128. To amend Section 14-3-30, Code of Alabama 1975, relating to the transfer of state inmates from county jails; to provide that when an inmate sentenced to the custody of the Department of Corrections and the department is in receipt of a transcript of such sentence, is housed in a county jail, and the inmate develops a medical condition which requires immediate treatment at a medical-care facility outside the county jail, the department would be financially responsible for the cost of the treatment of the inmate; and to further provide that when an inmate sentenced to the custody of the Department of Corrections and the department is in receipt of a transcript of such sentence is housed in a county jail, and the inmate develops a medical condition or has been diagnosed as having a medical condition which, in the opinion of a physician licensed in Alabama, would require medical treatment or a medical procedure or both, involving a cost of more than two thousand dollars (\$2000), the inmate would be transferred within three days to a state owned or operated correctional facility selected by the Commissioner of the Department of Corrections and shall receive treatment as other state inmates.

H. 642. To authorize the governing body of any municipality that is within a county school system under the control of a county board of education to name or rename any public primary or secondary school located within the corporate limits of the municipality, if allowed by local law.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 368. To amend Section 32-7-5 and Section 32-7-6 of the Code of Alabama 1975, the Motor Vehicle Safety Responsibility Act; to increase the time allowed for the operator or owner of a motor vehicle to file the required forms after a motor vehicle accident and to provide that reinstatement fees will not be assessed on suspension if proper documentation is provided that acceptable insurance was in effect at the time of the motor vehicle accident.

H. 659. To amend Section 32-6-65 of the Code of Alabama 1975, relating to motor vehicle registration; to require a copy of the current registration of a motor vehicle to be kept in the motor vehicle at all times; and to provide for penalties.

Representative Knight (J), Chairperson of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 179. (With Substitute): To require timely payments to contractors, subcontractors, sub-subcontractors, and suppliers; and to provide for interest on late payments.

S. 74. (With Substitute): To require timely payments to contractors, subcontractors, sub-subcontractors, and suppliers; and to provide for interest on late payments.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 714. To alter, rearrange, and extend the boundary lines of the municipality of West Blocton in Bibb County.

H. 727. Relating to Lauderdale County and its municipalities; to amend and reenact Act No. 86-244, H. 671 of the 1986 Regular Session (Acts 1986, p. 372), forming a Shoals Industrial Development authority for promoting industry and trade and the development of the counties and cities; for the purpose of forming a Shoals Economic Development Authority for promoting the economic development of the counties and cities.

H. 739. Relating to Crenshaw County; abolishing the office of constable.

H. 770. Relating to Escambia County; providing that the offices of judge of probate and tax collector shall not be assessed for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, up to an annual maximum of \$2,500 per office.

H. 772. Relating to the Twenty-first Judicial Circuit, comprised of Escambia County, Alabama; to authorize the district attorney to establish a court cost recovery division within the office of the district attorney; to provide for collection and enforcement of court orders in certain cases of nonpayment of assessments, costs, fees, fines, or forfeitures.

H. 773. Relating to the Twenty-First Judicial Circuit of Alabama and the establishment of a Pre-Trial Diversion Program by the District Attorney.

H. 805. Proposing an amendment to the Constitution of Alabama of 1901, ratifying and confirming the results of a referendum election held in 1994 in Washington County pursuant to Amendment No. 269 to this Constitution.

The above bill was read a second time at length as required by the Constitution.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 744. To propose an amendment to the Constitution of Alabama of 1901, to provide that standing committees of the Alabama Legislature may meet and conduct business at any location within the State of Alabama.

The above bill was read a second time at length as required by the Constitution.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 235. (With Substitute) (With Amendment): To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 237. (With Substitute): To make an appropriation of \$1,439,112 from the Alabama Special Educational Trust Fund for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

H. 238. (With Substitute): To make an appropriation to the Department of Public Health in the amount of \$9,971,144 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, for educational purposes.

H. 239. (With Substitute): To make an appropriation to the Department of Public Health in the amount of \$4,180,831 from the Alabama Special Educational Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 240. To make an appropriation of \$251,317 from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 241. (With Substitute): To make an appropriation of \$23,158,459 from the Alabama Special Educational Trust Fund, an appropriation of \$2,170,000 from the Driver Impaired Trust Fund, and an appropriation of \$72,907,868 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 242. To make an appropriation of \$381,534 from the Alabama Special Educational Trust Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1996, for educational purposes.

H. 244. To make an appropriation of \$27,458,615 from the Alabama Special Educational Trust Fund and an appropriation of \$3,103,484 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1996.

H. 245. To make an appropriation of \$94,846 from the Alabama Special Educational Trust Fund for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

H. 246. To make an appropriation of \$196,192 from the Alabama Special Educational Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

H. 247. To make an appropriation of \$420,414 from the Alabama Special Educational Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

H. 249. To make an appropriation of \$397,228 from the Alabama Special Educational Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

H. 250. To make an appropriation of \$3,775,200 from the Alabama Special Educational Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

H. 251. To make an appropriation of \$295,305 from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Incorporated for the fiscal year ending September 30, 1996 for programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

H. 252. To make an appropriation of \$343,804 from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

H. 253. To make an appropriation of \$35,250 from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 254. (With Amendment): To make an appropriation of \$1,049,579 from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., the United Cerebral Palsy of Mobile, Inc., the United Cerebral Palsy of West

Alabama, Inc., and the United Cerebral Palsy of Northwest Alabama for the year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 255. (With Substitute): To make an appropriation of \$700,000 from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 256. To make an appropriation of \$482,793 from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 257. (With Substitute): To make an appropriation of \$26,250 from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 259. To make an appropriation of \$885,145 from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

H. 260. To make an appropriation of \$100,000 from the Alabama Special Educational Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

H. 261. To make an appropriation of \$307,615 from the Alabama Special Educational Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

H. 262. To make an appropriation of \$106,250 from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

H. 264. To make an appropriation of \$17,681 from the Alabama Special Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

H. 784. To make an appropriation of \$129,081 from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 802. (With Substitute): To make an appropriation from the Alabama Special Educational Trust Fund during the 1994-95 fiscal year the amount of two hundred fifty thousand dollars (\$250,000) to the Friends of Rickwood Field, a 501 (c) (3) organization for certain educational purposes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 178. To provide distinctive motor vehicle license tags or plates for members of Lions Club International; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 648. (With Substitute): To make an appropriation from the Special Educational Trust Fund in the State Treasury to Tuskegee University, in the amount of five million dollars (\$5,000,000), for the fiscal year ending September 30, 1995.

H. 649. (With Substitute): To make an appropriation from the Special Educational Trust Fund in the State Treasury to Tuskegee University, in the amount of five million dollars (\$5,000,000), for the fiscal year ending September 30, 1995, to be used for the repair and replacement of burned-out facilities on campus.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 150. To define the duties of real estate licensees when dealing with the public; to mandate that formal written disclosure documents be provided to all parties to the real estate transaction; to require that all real estate brokerage firms develop a written agency policy; to establish a real estate brokerage arrangement to govern the conduct of all licensees upon initial contact or other dealings with the public; to provide penalties; and to amend Section 34-27-8, Code of Alabama 1975, relating to agency disclosure clause by requiring additional agency disclosure information.

Also:

H. 451. To amend Sections 34-37-4, 34-37-5, and 34-37-6 Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to extend the time period in which certain applicants may be licensed by the board without being required to take an examination.

Also:

H. 195. Relating to an income taxation for corporations; to provide income tax credits under certain conditions for certain corporations contracting to purchase coal mined in Alabama.

Also:

H. 396. Relating to Talladega County; providing further for the fees of constables.

Also:

H. 360. This bill would require all commercial fishing equipment used in the waters of this state to be affixed with a tag containing the name, address, and social security number or tax identification number of the commercial fisherman, and provide for a penalty.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 363. To amend Section 9-11-235 of the Code of Alabama 1975, relating to the taking of certain animals and birds at night, so as to further provide for the penalties for violations.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Johnson (R) (With Notice and Proof):

H. 810. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 810, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Graham:

H. 811. To amend Section 36-27-15.2 of the Code of Alabama 1975, to provide further for granting credit for certain prior service as a support employee in the Employees' and Teachers' Retirement Systems of Alabama.

COMMITTEE ON WAYS AND MEANS

By Representative Hinshaw (With Notice and Proof):

H. 812. To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County and Limestone County to remove certain property from the corporate limits of the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 812, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turner:

H. 813. Reopening the Employees' Retirement System to allow certain members of the system an opportunity to purchase credit in the system for certain prior service rendered in the office of a local district attorney or as a court reporter, or for both.

COMMITTEE ON WAYS AND MEANS

By Representatives Townsend, Wren, Flowers, and Murphree:

H. 814. Relating to insurance; to provide further for an effective and efficient system whereby the Commissioner of the Department of Insurance may collect

certain fees, licenses, and miscellaneous charges and deposit those receipts into the State Treasury and credit 50 percent to the State General Fund and 50 percent to the credit of a fund to be known as the "Insurance Department Fund," created by this act, from which certain expenses of the Department of Insurance shall be paid; to provide for appropriating those sums for certain expenses incurred by the department and to provide for balances in the fund to carry forward each fiscal year; to allow the expenses of the Department of Insurance to continue to be paid by appropriations from the State General Fund of the fiscal year ending September 30, 1996; to further provide for licensure testing; to require rules and regulations issued pursuant to this act be subject to compliance under the Administrative Procedure Act; and for these purposes to amend Sections 27-4-2, 10-4-111, 27-2-16, 27-7-7, 27-8-1, 27-8-5, 27-8-7, 27-13-5, 27-13-24, 27-13-62, 27-21A-21, 27-34-6, 27-34-36, 27-34-47, 27-39-6, and 27-39-7, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representatives McKee, Johnson (R), Hooper, Carns, and Thomas (D):

H. 815. To amend Section 13A-11-77 of the Code of Alabama 1975, relating to the regulation of sales and purchases of pistols, to provide for the destruction of original and copies of applications to purchase pistols; to require the chief of police and sheriff to make an accounting to the Director of Public Safety and require the Director of Public Safety to make an accounting to the Governor of the destruction of applications to purchase pistols; to amend Section 13A-11-78 of the Code of Alabama 1975, relating to dealer's licenses for the sale of pistols, to require licensed dealers in firearms to certify the destruction of triplicate copies of application forms and statements and purchase records of pistols; and to require certain local authorities to notify dealers of this law; and to amend Section 13A-11-79 of the Code of Alabama 1975, relating to sale and reporting procedures by seller of pistols and the records check of the purchaser, to require the destruction of any pistol permit application statements, or records relating to purchases and sales of pistols; and to require accountability of the destruction of pistol permit applications statements, and records of purchases and sales of pistols to the Secretary of State and to the Governor by certain law enforcement officials.

COMMITTEE ON STATE ADMINISTRATION

By Representative McKee:

H. 816. To further provide for the right to carry pistols; to prohibit certain persons from carrying a pistol in a vehicle or on the person; to provide exceptions; to require the destruction of all records and copies of licenses related to the licensure of pistols; and amending Sections 13A-11-72, 13A-11-73, 13A-11-74, and 13A-11-75 of the Code of Alabama of 1975 therefor.

COMMITTEE ON JUDICIARY

By Representative Box:

H. 817. To provide for the nonpartisan election of certain judicial candidates; to provide for a filing fee to be paid by judicial candidates, to be deposited into the State General Fund; and to amend Sections 17-7-20, 17-16-20, 17-8-1, 17-8-4, and 17-16-18, Code of Alabama 1975.

COMMITTEE ON CONSTITUTION AND ELECTIONS

RESOLUTIONS

The following resolution was introduced:

By Representatives Clouse, Seibenhener, Baker and Carothers:

H.J.R. 256. COMMENDING THE G. C. WALLACE STATE COMMUNITY COLLEGE GIRLS SOFTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 256, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Newton (D):

H.R. 257. MOURNING THE DEATH OF MATTIE Q. ROSS OF FAIRFIELD, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Penry and McMillan:

H.R. 258. URGING THE UNITED STATES SENATE TO APPROVE LEGISLATION RETURNING REASONABLENESS TO THE ENVIRONMENTAL REGULATORY PROCESS.

The resolution, H.R. 258, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Houston:

H.R. 259. MOURNING THE DEATH OF MRS. OLA MAE TURNER HUNTER OF UNIONTOWN, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Ford:

H.J.R. 260. COMMENDING KEEP ALABAMA BEAUTIFUL FOR OUTSTANDING SERVICE TO THIS STATE.

The resolution, H.J.R. 260, was read and referred to the Standing Committee on Rules.

Also:

By Representative McKee:

H.J.R. 261. COMMENDING THE ALABAMA CHRISTIAN ACADEMY GIRLS SOFTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 261, was read and referred to the Standing Committee on Rules.

Also:

By Representative McKee:

H.J.R. 262. COMMENDING THE ALABAMA CHRISTIAN ACADEMY BOYS BASEBALL TEAM FOR OUTSTANDING ACHIEVEMENTS.

The resolution, H.J.R. 262, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gaines:

H.J.R. 263. COMMENDING THE REVEREND RICHARD H. VIGNEULLE FOR HIS FAITHFUL SERVICE AS PASTOR OF SHADES MOUNTAIN INDEPENDENT CHURCH, BIRMINGHAM, ALABAMA.

The resolution, H.J.R. 263, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gaines:

H.J.R. 264. HONORING SHADES MOUNTAIN INDEPENDENT CHURCH OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF ITS 25TH ANNIVERSARY.

The resolution, H.J.R. 264, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Gaines:

H.R. 265. HONORING SHADES MOUNTAIN INDEPENDENT CHURCH OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF ITS 25TH ANNIVERSARY.

Also:

By Representative Gaines:

H.R. 266. COMMENDING THE REVEREND RICHARD H. VIGNEULLE FOR HIS FAITHFUL SERVICE AS PASTOR OF SHADES MOUNTAIN INDEPENDENT CHURCH, BIRMINGHAM, ALABAMA.

Also:

The following resolution was introduced:

By Representative Carter:

H.J.R. 267. COMMENDING KEN DAVID OF ATHENS, ALABAMA, AS 1995 ALABAMA VETERAN OF THE YEAR.

The resolution, H.J.R. 267, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Mitchell:

S. 22. To amend Section 32-6-233.1, Code of Alabama 1975, relating to unauthorized parking of a motor vehicle in a place designated for handicapped parking, so as to increase the fine; and to further provide that municipalities may, by ordinance, levy additional fines.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 22. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bailey:

S. 116. To amend Section 28-3A-25, Code of Alabama 1975, to provide further for unlawful acts, offenses, and penalties affecting certain persons under the alcoholic beverage licensing code.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 116. Judiciary.

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 591, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Flowers, Fuller, Gaston, Graham, Guin, Hawk, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, Melton, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Turnham, Venable, White and Wren.

-58

And the bill:

H. 591. Relating to Elmore County; to provide for the imposition of fees for fire protection and other related services; to provide for definitions; to provide for eligibility guidelines for receipt of the funds; to provide for the collection and use of the funds; to provide for alteration of fire districts; and to provide for exemptions.

was taken up.

SUBSTITUTE OFFERED

Representative Venable offered the following substitute to the bill, H. 591:

A BILL
TO BE ENTITLED
AN ACT

Relating to Elmore County; to provide for the imposition of fees for fire protection and other related services; to provide for definitions; to provide for eligibility guidelines for receipt of the funds; to provide for the collection and use of the funds; to provide for alteration of fire districts; and to provide for exemptions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be operative only in Elmore County.

Section 2. It is the intent of the Legislature to provide for the financing of a system for fire protection, fire prevention, emergency medical services, and related services and facilities for the benefit of the inhabitants of the county in areas in which the services and facilities might not otherwise be available. This act shall be liberally construed in conformity with this intent.

Section 3. As used in this act, the following words and phrases shall have the following meanings.

(1) ASSOCIATION. The Elmore County Firefighters Association.

(2) AUTHORIZING AMENDMENT. Amendment No. 567 of the Constitution of Alabama of 1901, as amended, proposed by Act No. 94-483 enacted at the 1994 Regular Session of the Legislature and ratified in the November 1994 General Election.

(3) CODE. The Code of Alabama 1975, as amended.

(4) COMMERCIAL BUILDING. Any building that contains one or more separate business enterprises that purchase and display a business license applicable to the business enterprise. In the case of a commercial building with more than one business located in a building, a separate fee shall be assessed on the building for each business located in the building, but in no case shall a fee be assessed more than one time on the same space.

(5) COMMISSION. The Elmore County Commission or other governing body of the county.

(6) COUNTY. Elmore County, Alabama.

(7) DEPARTMENT. Any volunteer fire department with which the Elmore County Firefighters Association may enter into agreements with respect to providing fire protection, fire prevention, and related services and facilities within the county.

(8) DISTRICT. A fire fighting district established by the Elmore County Firefighters Association.

(9) DWELLING. Any occupied or unoccupied building, structure, or other improvement to real property used or expected to be used as a dwelling for one or more persons, including specifically but not limited to the following:

(a) Any building, structure, or improvement assessed for purposes of state and county ad valorem taxation as single family owner occupied residential property.

(b) Any other residential building with each residential unit considered a separate dwelling.

(c) Any mobile home, house trailer, or unit of manufactured housing.

(10) FIRE PROTECTION FEE. A fee for fire protection and emergency medical services levied by the commission pursuant to the authorizing amendment and this act.

(11) JUDGE OF PROBATE. The Judge of Probate of Elmore County.

(12) MUNICIPALITY. An incorporated city or town.

(13) OWNER. A person owning one or more dwellings or commercial buildings.

(14) REVENUE COMMISSIONER. The Revenue Commissioner of Elmore County.

(15) STATE. The State of Alabama.

Section 4. The commission is authorized to collect beginning October 1, 1995, and each successive year in all districts, a fire protection fee with respect to each dwelling and commercial building located within the boundaries of each district. The fee shall be levied, collected, and administered as closely as possible at the same time and in the same manner as state ad valorem taxes. The fee shall not exceed twenty-five dollars (\$25) per dwelling and fifty dollars (\$50) per commercial building, and it shall be paid by the owner of the dwelling or commercial building.

Section 5. To be eligible to receive proceeds from the fire protection fee, each department shall be a member in good standing in the Elmore County Firefighters Association. For the purpose of this act, "good standing" is defined as being current on all association dues, being incorporated as a volunteer non-profit organization, having a bonded official responsible for the use of any proceeds of the fire protection fee, and being recognized by the Alabama Forestry Commission as a volunteer fire department. Departments not in good standing may be subject to withholding of proceeds from the fire protection fee until their good standing status has been restored. Upon the dissolution or abandonment of any eligible department, remaining proceeds, assets purchased with proceeds, and future proceeds from the fire protection fee shall be divided among the departments that take over coverage of the territory of the dissolved department after all outstanding financial obligations have been satisfied.

Section 6. Proceeds from the fire protection fee shall be used at the discretion of the individual department for fire protection, fire prevention, and emergency medical services to include, but not be limited to, fire or emergency medical equipment, fire or emergency medical supplies, training, buildings, capital improvements, insurance, dues, and professional services. The proceeds shall not be used for salaries, entertainment, or fund-raising purposes. Any proceeds from the fire protection fee that are unexpended or not appropriated at the end of

the fiscal year shall remain in the individual department's treasury for appropriation and use during any fiscal year thereafter. After receiving the proceeds, the departments will keep accurate records to verify that the funds are properly used. In January of each year that proceeds were received in the prior year, each department shall submit a financial report to the association detailing the expenditures of proceeds from the fire protection fee for the prior year. Forms for this report shall be provided by the association and shall be in compliance with requirements of the Examiners of Public Accounts Office. The association will provide the same financial report on all proceeds from the fire protection fee that it has expended in the prior year. The association shall provide these records to the Examiners of Public Accounts Office and the commission. The reports shall be public record.

Section 7. The association may, after approval by a majority vote of member departments in good standing, establish and define the boundaries of one or more districts within the boundaries of the county for purposes of collection and distribution of the fire protection fee. Upon creation of a district or districts, the association shall, within a reasonable period of time, file in the office of the judge of probate a description or map clearly showing the boundaries of the districts. Municipalities may establish their own districts at the discretion of the governing body of each municipality. Municipal districts will include the corporate limits and police jurisdiction unless the governing body of the municipality elects not to provide fire protection services in the police jurisdiction and notifies the association, in writing, for purposes of collection and distribution of the fire protection fees.

Section 8. The association may, with the consent of the affected district or districts and approval by a two-thirds majority vote of member departments in good standing, alter the boundaries of any district. The alteration may include, but not be limited to, consolidation of territory of one or more districts, creation of a new district from one or more existing districts, or exclusion of territory from a district. No alteration shall be used to relieve any department of any financial obligations incurred or made prior to the change. Municipalities may alter their districts to include or exclude the police jurisdiction, at the discretion of the governing body of each municipality, and shall notify the association, in writing, for purposes of collection and distribution of the fire protection fee.

Section 9. If the annexation of territory in a district by an existing municipality or the creation of a new municipality takes in the property on which an existing fire station is located or reduces the size of the district so that the association, after approval by a majority vote of member departments in good standing, determines that the remaining territory is not of sufficient size to continue to support a department, the association shall request the municipality to assume any indebtedness or financial obligations of the department, provided the department transfers ownership of the fire station and department-owned equipment to the municipality.

Section 10. The following are exempt from the fire protection fee levied by this act:

(1) A dwelling or commercial building which is owned by the federal government, or the state, a county, or a municipality.

(2) A commercial building used or to be used for religious, educational, or charitable purposes.

(3) A dwelling where the owner is currently exempt from paying all ad valorem taxes based on the age, income, or disability of the owner.

Section 11. The revenue commissioner shall collect the fire protection fee from owners of dwellings and commercial buildings. The judge of probate shall collect the fire protection fee from the owners of mobile homes, house trailers, and units of manufactured housing at the time of issuance or renewal of yearly decals. The revenue commissioner and judge of probate shall keep proceeds from the fire protection fee separate and apart from all other funds and maintain clear and distinct account showing the amount paid. The revenue commissioner and judge of probate shall not accept partial payment of the fire protection fee. The officials collecting or assessing the fire protection fee shall be entitled to the same fees and compensation as provided for collecting and assessing ad valorem taxes. The proceeds of the fire protection fee shall be paid into the general fund of the county. Within 30 days after payment into the general fund, the commission shall pay the funds to the Elmore County Firefighters Association. The commission shall also include a report detailing the exact amount collected from each district so that the association may disburse the proceeds according to a percentage based upon the proceeds collected in each district. The association shall retain five percent of the gross proceeds from each district to be used, after approval by a majority vote of member departments in good standing, for the construction of a countywide training facility, appropriate equipment for the maintenance and expenses of the facility, and other countywide training activities. These proceeds shall be administered by the association in compliance with all applicable requirements of the Office of Examiners of Public Accounts.

Section 12. In case of default in the payment of the fire protection fee, the revenue commissioner and judge of probate shall provide a list of delinquent accounts within a reasonable period of time after January 1 of each year the fire protection fee is collected, separated by district, to the association, and it shall provide the list to each district which may pursue all legal remedies as specified by law to recover the delinquent accounts.

Section 13. The personnel of volunteer fire departments provided for in this act shall not be considered employees, servants, or agents of the county and the members of the commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments.

Section 14. All laws and parts of laws that are in conflict with any of the provisions of this act shall be, to the extent of such conflict, repealed.

Section 15. The provisions of this act are severable. If any portion of this act should be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any of the remaining portions of this act, which shall continue effective.

Section 16. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Flowers, Gaston, Gipson, Graham, Guin, Hall (L), Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-67

And the bill:

H. 591. Relating to Elmore County; to provide for the imposition of fees for fire protection and other related services; to provide for definitions; to provide for eligibility guidelines for receipt of the funds; to provide for the collection and use of the funds; to provide for alteration of fire districts; and to provide for exemptions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (L), Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Smith,

Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-73

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 613, were temporarily carried over at the request of Representative Venable.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 619, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Clouse, Collins, Crigler, Dean, Drake, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Mitchell, Moore, Morrow, Murphree, Newton (C), Page, Papucci, Payne, Penry, Pringle, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance and Wren.

-55

And the bill:

H. 619. Relating to Houston County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson,

Knight (A), Letson, Lindsey, McAdory, McMillan, Melton, Minnifield, Moore, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, White and Willis.

-58

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 697, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, White and Willis.

-69

And the bill:

H. 697. Relating to Etowah County; to provide for the establishment of the "Etowah County Library Committee"; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and filling of vacancies; to provide for the terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

was taken up.

AMENDMENT OFFERED

Representative Ford offered the following amendment to the bill, H. 697:

Amend H. 697 on page 2, Section 3, line 11 by striking the figure "30" and inserting in lieu thereof the figure "90"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, White and Willis.

-64

And the bill:

H. 697. Relating to Etowah County; to provide for the establishment of the "Etowah County Library Committee"; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and filling of vacancies; to provide for the terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Guin, Hall (L), Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, White and Willis.

-64

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 698, was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance and White.

-68

And the bill:

H. 698. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, White, Willis and Wren.

-70

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 707, was adopted.

Yeas 72; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Boyd, Carns, Carothers, Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, White, Willis and Wren.

-72

And the bill:

H. 707. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901; to grant certain powers and authority to Walker County and each municipality situated wholly therein relating to the acquisition, leasing, sale, and development of industrial sites and industrial park projects; and to specify that actions authorized by this amendment taken subsequent to January 1, 1995, are ratified.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, White and Willis.

-71

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 613, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-71

And the bill:

H. 613. Relating to Elmore County; amending Act No. 481, H. 1136, 1977 Regular Session, as amended, to provide further for the compensation of the county superintendent of education.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-71

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 708, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Moore, Morton, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turner, Turnham, Vance, Venable, White, Willis and Wren.

-62

And the bill:

H. 708. Relating to Walker County; to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products; and to provide for an advisory referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Johnson (E), Johnson (R), Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Willis and Wren.

-63

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 709, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Carns, Carter, Collins, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (E), Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Melton, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-61

And the bill:

H. 709. Relating to Walker County; authorizing the sheriff to operate a jail store for prisoners in county custody; providing for the deposit, distribution, and auditing of monies earned; and confirming and ratifying certain prior actions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Boyd, Burke, Carter, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Knight (A), Lindsey, McClammy, McMillan, Melton, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 710, was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Knight (A), Lindsey, McAdory, McClammy, McMillan, Melton, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-65

And the bill:

H. 710. Relating to Walker County; creating the Walker County Sheriff Service of Process Serving Fund; to further provide for service of process in Walker County; to provide that the Sheriff of Walker County may contract with or enter into contract or agreement with a private, public, or governmental entity for the purpose of service of process; to increase the fee for civil or criminal documents, with certain exceptions; and to provide for the disposition of funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Burke, Carter, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Melton, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Willis and Wren.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 711, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Collins, Curry, Dean, Dolbare, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Knight (A), Laird, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-69

And the bill:

H. 711. Relating to Walker County; to amend Sections 1 and 2 of Act No. 89-763, H. 892 of the 1989 Regular Session (Acts 1989, p. 1543), to further provide for the expenditures of the Juvenile Court Advisory Committee.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Laird, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-71

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 716, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Laird, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-72

And the bill:

H. 716. Amending Section 1 of Act No. 88-472, Regular Session, 1988 (Acts 1988, p. 722), relating to the Lee County Judicial Administration Fund; to provide that judicial personnel of Lee County may be reimbursed for actual and necessary travel expenses within or without the State of Alabama related to training and education enhancement.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Collins, Curry, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Laird, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-71

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 737, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carter, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Lindsey, McAdory, McClammy, McMillan, Melton, Minnifield, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, White, Willis and Wren.

-64

And the bill:

H. 737. To authorize the governing body of the City of Auburn, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by the said city, on all taxable property situated within the said city, the special ad valorem tax for the support and furtherance of education which is authorized in Amendment No. 8 to the Constitution, to a maximum rate, for any tax year of the said city, which is equal to \$1.10 on each one hundred dollars (11 mills on each dollar) of assessed value.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carter, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Minnifield, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, White, Willis and Wren.

-66

BUDGET ISOLATION RESOLUTION OFFERED

Representative Allen offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 314.

MOTION TO CARRY OVER TABLED

On motion of Representative Allen, the motion offered by Representative Newton (D) to carry over the bill, H. 314, and the pending Budget Isolation Resolution to the twenty-second legislative day was tabled.

Yeas 58; Nays 23.

Yea:

Mr. Speaker, Allen, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Lindsey, Maull, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Pringle, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-58

Nay:

Representatives Bandy, Black (L), Boyd, Hall (L), Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Parker (P), Perdue, Robinson, Rogers (J), Rogers (M) and Spratt.

-23

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 66. RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA.

Also:

H.J.R. 228. HONORING MR. CHARLIE COOK ON THE OCCASION OF HIS 99TH BIRTHDAY.

Also:

H.J.R. 229. MOURNING THE DEATH OF HERMAN WALTER MADDOX OF JASPER, ALABAMA.

Also:

H.J.R. 230. COMMENDING WILLIAM HAWKINS OF GARDENDALE, ALABAMA.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 345. To amend Sections 16-25-14 and 36-27-16 of the Code of Alabama, 1975, relating to retirement benefits of teachers and state employees, to remove the disability reduction factor for members of the Teachers' and Employees' Retirement Systems effective October 1, 1995; and to provide for the payment of full earned benefits prospectively from that date.

McDOWELL LEE
Secretary

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Allen to adopt the Budget Isolation Resolution relating to the bill, H. 314, and the Budget Isolation Resolution was adopted.

Yeas 63; Nays 22.

Yea:

Mr. Speaker, Allen, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Letson, Maull, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Morton, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

Nay:

Representatives Bandy, Black (L), Buskey, Drake, Hall (L), Hayden, Holmes, Houston, Johnson (E), Kennedy, Knight (J), Lindsey, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Parker (P), Perdue, Rogers (J) and Spratt.

-22

And the bill:

H. 314. To provide that physical evidence would not be precluded from a jury or court because of a break in the chain of custody.

was taken up.

AMENDMENT OFFERED

Representative Allen offered the following amendment to the bill, H. 314:

Amend H. 314 on page 2, line 5, by deleting the word "may" and in lieu thereof adding the word "shall".

MOTION TO RECOMMIT TABLED

On motion of Representative Allen, the motion offered by Representative Holmes to recommit the bill, H. 314, and the pending amendment offered by Representative Allen was tabled.

Yeas 66; Nays 19.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Knight (A), Laird, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-66

Nay:

Representatives Bandy, Black (L), Buskey, Hayden, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Perdue, Rogers (J) and Spratt.

-19

MOTION IN WRITING OFFERED

Representative Seibenhener offered the following Motion in Writing relating to the bill, H. 314:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 57; Nays 29.

Yea:

Mr. Speaker, Allen, Burke, Cams, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Haney, Hawkins, Hill, Hinshaw, Hooper, Johnson (R), Knight (A), Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Vance, Warren, White, Willis and Wren.

-57

Nay:

Representatives Baker, Bandy, Buskey, Ford, Guin, Hall (A), Hall (L), Hawk, Hayden, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Parker (P), Perdue, Reed, Rogers (J), Spratt and Thomas (J).

-29

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 591. Relating to Elmore County; to provide for the imposition of fees for fire protection and other related services; to provide for definitions; to provide for eligibility guidelines for receipt of the funds; to provide for the collection and use of the funds; to provide for alteration of fire districts; and to provide for exemptions.

TOMMY CARTER
Chairman

And the bill, H. 591, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 697. Relating to Etowah County; to provide for the establishment of the "Etowah County Library Committee"; to provide that the committee would have authority to disburse funds received from a sales tax; to provide for the membership of the committee; to provide for appointments of members and filling of vacancies; to provide for the terms of the members; to provide for compensation; and to provide for staff and compensation of the staff of the committee.

TOMMY CARTER
Chairman

And the bill, H. 697, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 438. To provide a credit against Alabama income tax liability with respect to income generated by or arising out of a project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses; to provide that the credit against the Alabama income tax shall be five percent of capital costs, as defined in the act, for each of 20 years; to provide that each "investing company," as defined in the act, with respect to a project, or its shareholders, partners, members, owners, or beneficiaries, shall be entitled to receive the credit upon the filing by the investing company of a statement of intent to claim the credit with the Department of Revenue, subject to the requirements of the act with respect to minimum capital costs and employment; to specify the minimum capital expenditure and employment criteria required to receive the credit against Alabama income tax liability; to provide that the capital credit authorized by this act shall not exceed the capital costs of the project; to amend Section 41-10-44.8 of the Code of Alabama 1975, to provide that the State Industrial Development Authority shall not grant any tax credit or other incentives pursuant to Article 2A of Chapter 10 of Title 41 except with respect to projects approved by the Authority prior to January 16, 1995; to provide that each entity approved by the State Industrial Development Authority prior to January 16, 1995, may elect to receive the tax credit provided for in this act in lieu of any tax credits or other incentives provided for in Article 2A of Chapter 10 of Title 41; to amend Section 4 of Act No. 93-851 adopted at the 1993 First Special Session of the Legislature of Alabama to delete the requirement of the adoption of a joint resolution of the Legislature so as to remove any ambiguity that such provision would eliminate tax or other incentives previously granted by the State Industrial Development Authority; and to provide that the capital credit authorized by this act shall not be available for new projects after December 31, 1998, unless the Legislature, by joint resolution, votes to continue or reinstate the availability of the capital credit for such new projects.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolutions, to-wit:

H. 345. To amend Sections 16-25-14 and 36-27-16 of the Code of Alabama, 1975, relating to retirement benefits of teachers and state employees, to remove the disability reduction factor for members of the Teachers' and Employees' Retirement Systems effective October 1, 1995; and to provide for the payment of full earned benefits prospectively from that date.

Also:

H.J.R. 66. RECLAIMING STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR THE STATE OF ALABAMA.

Also:

H.J.R. 228. HONORING MR. CHARLIE COOK ON THE OCCASION OF HIS 99TH BIRTHDAY.

Also:

H.J.R. 229. MOURNING THE DEATH OF HERMAN WALTER MADDOX OF JASPER, ALABAMA.

Also:

H.J.R. 230. COMMENDING WILLIAM HAWKINS OF GARDENDALE, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 314 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Allen to the bill, H. 314, and the amendment was adopted.

Yeas 71; Nays 23.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-71

Nay:

Representatives Baker, Bandy, Buskey, Drake, Hall (L), Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Page, Perdue, Rogers (J), Spratt and Thomas (J).

-23

And the bill:

H. 314. To provide that physical evidence would not be precluded from a jury or court because of a break in the chain of custody.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 68; Nays 32.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-68

Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Dolbare, Drake, Guin, Hall (L), Hawk, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Newton (D), Parker (P), Perdue, Reed, Rogers (J), Spratt and Thomas (J).

-32

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dean, the Budget Isolation Resolution relating to the bill, H. 313, was adopted.

Yeas 67; Nays 24.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hooper, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-67

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Drake, Guin, Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Page, Perdue, Rogers (J), Spratt and Thomas (J).

-24

And the bill:

H. 313. (With Substitute): To provide that a person who has been convicted of a crime that carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

To provide that a person who has been convicted of a crime that carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Gaines offered the following substitute to the substitute reported by the Standing Committee on State Administration to the bill, H. 313:

**A BILL
TO BE ENTITLED
AN ACT**

To provide that a person who has been convicted of a crime that carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. A person who has been found guilty of an offense, sentenced to a term of imprisonment, and has filed an appeal shall be detained without bail, unless a judge finds all of the following:

(1) By clear and convincing evidence, the person is not likely to flee or pose a danger to the safety of any other person or the community if released on bail. For the purpose of this act, danger may be established if the defendant was on probation, parole, or pre-trial release at the time of his or her present criminal conduct or if the defendant has a prior criminal history.

(2) The appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in one of the following:

a. Reversal.

b. An order for a new trial.

c. A sentence that does not include a term of imprisonment.

d. A reduced sentence to a term of imprisonment less than the total or the time already served.

Section 2. Notwithstanding Section 1, a judge may not release on bail a person who has been found guilty of an offense, sentenced to a term of imprisonment, and has filed an appeal for a crime of violence, an offense for which the maximum sentence is life imprisonment or death, an offense pertaining to

controlled substances which is a Class B felony, or any felony committed after the person had been convicted of two or more prior offenses described in this section or two or more convictions by another state or the Federal Government that would have been offenses described in this section.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Gaines was adopted.

Yeas 58; Nays 21.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McDaniel, McKee, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Vance, Venable, Willis and Wren.

-58

Nay:

Representatives Bandy, Drake, Hall (L), Hayden, Holmes, Houston, Jackson, Kennedy, Knight (J), Maul, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Page, Perdue, Rogers (J), Spratt and Thomas (J).

-21

S. 88 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 88, from the Standing Committee on Local Government to the Standing Committee on Commerce, Transportation and Utilities.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 314. To provide that physical evidence would not be precluded from a jury or court because of a break in the chain of custody.

TOMMY CARTER
Chairman

And the bill, H. 314, as engrossed, was ordered sent to the Senate.

H. 313 RESUMED

And the bill:

H. 313. To provide that a person who has been convicted of a crime that carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 63; Nays 23.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Vance, Venable, Warren, Willis and Wren.

-63

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Drake, Hall (L), Hayden, Holmes, Houston, Jackson, Kennedy, Knight (J), Maull, McAdory, McClammy, Minnifield, Mitchell, Newton (D), Page, Perdue, Rogers (J), Spratt and Thomas (J).

-23

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Sanderson and Hooper intended to vote "Yea" on passage of the bill, H. 313, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Letson, the Budget Isolation Resolution relating to the bill, H. 437, was adopted.

Yeas 72; Nays 16.

Yea:

Mr. Speaker, Allen, Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-72

Nay:

Representatives Bandy, Black (L), Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Knight (J), McAdory, McClammy, Melton, Mitchell, Reed and Rogers (J).

-16

And the bill:

H. 437. To amend Section 12-15-34 of the Code of Alabama 1975, relating to transfer of cases from juvenile court to criminal court, to provide that any person under the age of 14 years who is charged with the commission of an offense that would constitute a capital offense if committed by an adult may be transferred to criminal court for criminal prosecution as an adult; and to provide for penalties upon conviction.

was taken up.

AMENDMENT OFFERED

Representative Gaines offered the following amendment to the bill, H. 437:

Amend H. 437 on page 2 line 24 by striking the word "maximum"

MOTION IN WRITING OFFERED

Representative Dean offered the following Motion in Writing relating to the bill, H. 437:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 58; Nays 20.

Yea:

Mr. Speaker, Allen, Burke, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Maull, McDaniel, McKee, McMillan, Moore, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Townsend, Turner, Vance, Warren, White and Wren.

-58

Nay:

Representatives Bandy, Buskey, Dolbare, Hall (A), Hall (L), Hayden, Holmes, Houston, Kennedy, Knight (J), McAdory, McClammy, Minnifield, Mitchell, Newton (D), Perdue, Reed, Rogers (J), Spratt and Thomas (J).

-20

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 313. To provide that a person who has been convicted of a crime that

carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

TOMMY CARTER
Chairman

And the bill, H. 313, as engrossed, was ordered sent to the Senate.

H. 437 RESUMED

The question was then on the adoption of the amendment offered by Representative Gaines to the bill, H. 437.

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that the House adjourn until 9:00 o'clock a.m., Thursday, June 15, 1995, was lost.

Yeas 23; Nays 65.

Yea:

Representatives Bandy, Black (L), Boyd, Buskey, Fuller, Gaines, Hayden, Hill, Holmes, Houston, Johnson (E), Kennedy, Knight (A), Knight (J), McAdory, McClammy, Minnifield, Mitchell, Newton (D), Page, Rogers (J), Spratt and Thomas (J).

-23

Nay:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hinshaw, Hogan, Hooper, Jorgensen, Laird, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

-65

H. 437 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Gaines to the bill, H. 437, and the amendment was adopted.

Yeas 77; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Maull, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-77

Nay:

Representatives Bandy, Black (L), Hayden, Houston, McAdory, McClammy, Rogers (J), Spratt and Thomas (J).

- 9

And the bill:

H. 437. To amend Section 12-15-34 of the Code of Alabama 1975, relating to transfer of cases from juvenile court to criminal court, to provide that any person under the age of 14 years who is charged with the commission of an offense that would constitute a capital offense if committed by an adult may be transferred to criminal court for criminal prosecution as an adult; and to provide for penalties upon conviction.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 10.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Maull, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-80

Nay:

Representatives Bandy, Hall (L), Holmes, Houston, Knight (J), McAdory, McClammy, Mitchell, Reed and Rogers (J).

-10

BUDGET ISOLATION RESOLUTION OFFERED

Representative Parker (T) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 462.

MOTION TO CARRY OVER TABLED

On motion of Representative Parker (T), the motion offered by Representative Payne to carry over the bill, H. 462, and the pending Budget Isolation Resolution to the eighteenth legislative day, was tabled.

Yeas 43; Nays 33.

Yea:

Mr. Speaker, Allen, Black (L), Box, Burke, Carter, Clouse, Collins, Crigler, Dean, Ford, Gaston, Graham, Guin, Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Lindsey, Maul, McDaniel, McMillan, Moore, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Sanderford, Seibenhener, Smith, Turner, Turnham, Vance, Venable, Warren and White.

-43

Nay:

Representatives Baker, Bandy, Boyd, Buskey, Carns, Dolbare, Gaines, Hall (A), Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Laird, Letson, McAdory, McClammy, McKee, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Payne, Petelos, Robinson, Rogers (J), Thomas (D) and Townsend.

-33

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Flowers:

H.R. 268. COMMENDING THE DIXIE DARLINS CLOG DANCE TEAM OF TROY, ALABAMA.

Also:

By Representative Thomas (J):

H.R. 269. COMMENDING THE BONHAM FAMILY REUNION IN CAMDEN, ALABAMA.

Also:

The following resolution was introduced:

By Representative McKee:

H.R. 270. REPEALING HR 197, 1995 REGULAR SESSION.

The resolution, H.R. 270, was read and referred to the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 437. To amend Section 12-15-34 of the Code of Alabama 1975, relating to transfer of cases from juvenile court to criminal court, to provide that any person under the age of 14 years who is charged with the commission of an offense that would constitute a capital offense if committed by an adult may be transferred to criminal court for criminal prosecution as an adult; and to provide for penalties upon conviction.

TOMMY CARTER
Chairman

And the bill, H. 437, as engrossed, was ordered sent to the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:25 P.M. on June 14, 1995.

H. 150

H. 396

H. 451

H. 360

H. 195

H. 363

Delivered to the Governor at 2:53 P.M. on June 14, 1995.

H. 438 (Executive Amendment)

H. 345

H.J.R. 66

H.J.R. 228

H.J.R. 229

H.J.R. 230

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Holmes, the House adjourned until 9:00 o'clock a.m., Thursday, June 15, 1995.

Yeas 45; Nays 42.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Crigler, Dolbare, Ford, Gaines, Hall (A), Hall (L), Hayden, Hill, Holmes, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McKee, Melton, Millican, Mitchell, Morrow, Morton, Newton (D), Page, Payne, Petelos, Reed, Robinson, Rogers (J), Thomas (D), Thomas (J), White and Willis.

-45

Nay:

Mr. Speaker, Allen, Burke, Carter, Clouse, Collins, Curry, Dean, Flowers, Gaston, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hinshaw, Hogan, Hooper, Knight (A), McMillan, Minnifield, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Sanderford, Seibenhener, Sims, Smith, Townsend, Turner, Turnham, Vance, Venable and Warren.

-42

EIGHTEENTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, June 15, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Larry D. Coleman, Galilee Baptist Church, Birmingham, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Hudson Hawkins, 9th Grade, Walker High School, Jasper, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventeenth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the seventeenth legislative day was dispensed with.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 90. COMMENDING MRS. LESSIE HUDSON OF ANNEMANIE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 90.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 254. COMMENDING THE G. C. WALLACE STATE COMMUNITY COLLEGE GOLF TEAM FOR TREMENDOUS ACCOMPLISHMENTS.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature honors the Wallace State Community College Golf Team for outstanding achievements throughout the 1995 season; and

WHEREAS, under the guidance of Coach Steve Otto, the Wallace Golf Team dominated this season finishing with the spectacular rank of 5th in the nation; and

WHEREAS, the members of the Wallace Golf Team continue to demonstrate those finest qualities of hard work and dedication, and this devotion has paid off, resulting in performances of the highest caliber; this is the sixth consecutive year that the Wallace College Golf Team has finished the season ranked nationally in the top 10; and

WHEREAS, the members of the Wallace Community College Golf Team deserve special recognition for their achievements, and they are: Patrick O'Brien (1st Team All-American, 4th in the Nation Individually), Steven Craig, Justin Chambers (All Region Team), Mark Monroe (All Region Team), and Anton Kotze; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to the Wallace State Community College Golf Team in recognition of their many outstanding accomplishments, and do furthermore direct that a copy of this resolution be provided as evidence of our pride and esteem and for appropriate presentation and display.

On motion of Representative Carter, the resolution, H.J.R. 254, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 247. HONORING DR. HARRISON MCMAINS OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HIS 90TH BIRTHDAY.

WHEREAS, the Alabama Legislature joins with the Huntsville community in recognizing Dr. Harrison McMains on the momentous occasion of his 90th birthday, June 15, 1995; and

WHEREAS, a native of Baltimore, Maryland, Harrison McMains earned his A.B. degree from Lynchburg College in Virginia where, some years later in 1978, he would be inducted into the Hall of Fame as the college's first four-letter student; and

WHEREAS, following a variety of pursuits, including the New York stage, he entered Vanderbilt University in 1930 to study for the ministry, earning an M.A. degree in Sociology and a B.D. in Religion; in later years he was bestowed an honorary Doctor of Divinity degree from Culver Stockton College; and

WHEREAS, over the many years of his long and dedicated ministry, Dr. McMains served pastorates in Jasper, Alabama, West Point, Georgia, Atlanta, and Huntsville and, in each, was concerned not only with the spiritual needs of his congregation, but also with the welfare of the community and its youth; and

WHEREAS, in Jasper, his first pastorate, he was an active member of the Rotary Club, which he served as president, he was instrumental in the establishment of the Jasper Boys' Club, served as president of the Walker-Lamar Scout Council, and was honored with the Silver Beaver award in 1941; and

WHEREAS, during his tenure in Atlanta, he served successively as minister of the First Christian Church and as Director of Greater Atlanta Council of Churches and, over this 15-year period, served as chaplain of the school board, as moderator of a TV show, "This is Your Town," helped to organize and served as an honorary director of the Atlanta Girls' Club, and received the Keystone Award for 22 years of service to the Boys' Clubs of America; and

WHEREAS, Dr. McMains returned to the ministry as pastor of the First Christian Church in Huntsville in 1960, and, in the years following, has provided leadership and support to such organizations as United Way, Citizens Advisory Committee, Boys' and Girls' Club, Red Cross, and Rotary Club, among others; he has also served as chaplain of the Huntsville Quarterback Club, and as co-host of the weekly TV show, "Viewpoint"; and

WHEREAS, in tribute to his exemplary contributions and service to the community, Dr. McMains has been the recipient of such notable awards as the Brotherhood Award from the National Conference of Christians and Jews, the Martin Luther King, Jr. Unity Award, the Silver Medallion by the Huntsville Boys' and Girls' Club, and the Community Service Award by the Interfaith Mission Service, and was designated a Paul Harris Fellow by the Huntsville Rotary Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his 90th birthday, we hereby extend heartiest congratulations to Dr. Harrison McMains, a man of true and noble character who has given so much to the good and well-being of the community and his fellow man.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided as an expression of our tribute and esteem and sincere best wishes for continued good health and happiness in the years to come.

On motion of Representative Carter, the resolution, H.J.R. 247, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 252. COMMENDING DENNY H. "JACK" BREWER, JR., FOR OUTSTANDING SERVICE ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature honors Denny H. Brewer, Jr., better known as Jack Brewer, on the occasion of his retirement following 33 years of dedicated service for the Olin Corporation; and

WHEREAS, Jack Brewer has well served the Olin Corporation as Director of State Government Relations, and has been a very active participant in numerous organizations close to the hearts of the Legislature such as the NCSL, CSG, and SGAC; and

WHEREAS, Mr. Brewer has represented the Olin Corporation as a respected professional at the Chemical Manufacturers Association, the Chlorine Chemistry Council, and many other trade associations; and he has furthermore ably served as a registered lobbyist in eight different states; and

WHEREAS, Mr. Brewer intends to enjoy his retirement with his lovely wife, Carolyn Brewer, who can be attributed in large part for Jack's impressive successes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to our friend and respected advisor, Mr. Denny H. Brewer, upon the date of his retirement, and do furthermore direct that a copy of this resolution be provided with best wishes for every future happiness and the best of luck both on and off the golf course.

On motion of Representative Carter, the resolution, H.J.R. 252, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 253. COMMENDING THE GEORGE W. LONG HIGH SCHOOL BOYS BASEBALL TEAM FOR OUTSTANDING ACCOMPLISHMENTS.

WHEREAS, it is with great pride and esteem that the Alabama Legislature warmly congratulates the George W. Long High School Boys Baseball Team of Skipperville, Alabama, the 1995 Alabama 1A State Champions; and

WHEREAS, the Rebels Baseball team continued the tradition of excellence by soundly defeating the Lynn Bears to secure the championship title for the second consecutive year, and the fifth time of the last seven years; and

WHEREAS, under the guidance of Head Coach Earl Miller and his able Assistant Coach Todd Horne, the G. W. Long High School Baseball Team dominated this season finishing with an impressive record of 32-9, and a team batting average of a spectacular .322; and

WHEREAS, the members of this Rebels Team deserve special recognition for their outstanding dedication and enviable "teamwork ethic," and they are: Eben Wells, Travis Crowley, Drew Miller, Kevin Dasinger, Craig Turner, Josh Abercrombie, Jeremy Armstrong, Ashley Beasley, Doug Cowart, William Judah, Fred Green, Joey Kelley, Chris Judah, Mike Snell, Nick Averitt, and Adam Pritchett; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and paramount praise to the George W. Long High School Boys Baseball Team of Skipperville, Alabama, who earned the 1995 1A Championship Title, and do furthermore direct that a copy of this resolution be provided as evidence of our pride and esteem and for appropriate presentation and school display.

On motion of Representative Carter, the resolution, H.J.R. 253, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 223. CREATING A JOINT LEGISLATIVE STUDY COMMITTEE TO EVALUATE THE NEEDS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative study committee to study the needs of individuals with developmental disabilities and their families. The committee shall be composed of the Commissioner of the Department of Mental Health and Mental Retardation; the Associate Commissioner for Mental Retardation of the Department of Mental Health and Mental Retardation; the Commissioner of the Medicaid Agency; the Commissioner of the Department of Rehabilitation Services; the Commissioner of the Department of Human Resources; the State Health Officer; the Superintendent of the Department of Education; two members of the Senate appointed by the Lieutenant Governor; two members of the House of Representatives appointed by the Speaker of the House of Representatives; a representative from the Governor's office; the president of the board of directors or representative of the following organizations: Alabama Developmental Disabilities Consortium, The ARC of Alabama, Alabama Conference of Executives of the ARC, United Cerebral Palsy of Alabama, Autism Society of Alabama, Alabama Head Injury Foundation, Alabama Developmental Disabilities Planning Council, Alabama Disabilities Advocacy Program, Alabama Epilepsy Association, Civitan International Research Center, Alabama Deaf/Blind Multi Handicapped Association, Glenwood Mental Health Services, People First of Alabama, Alabama Coalition of Citizens with Disabilities, Mental Retardation 310

Agencies, Mental Health Consumers of Alabama, Alabama Alliance for the Mentally Ill, Alabama Council of Community Mental Health Boards, and five individuals with various developmental disabilities or their family member appointed by the chair of the committee.

The chair of the committee shall be the Commissioner of the Department of Mental Health and Mental Retardation. The committee shall provide for its own rules of procedure to conduct its business and shall meet at the call of the chair. The committee shall study all facets of the following:

(1) An examination of the nature and extent of developmental disabilities in Alabama to include prevalence and incidence rates.

(2) Identifying available resources and gaps in needed services for persons with developmental disabilities. Resources refers to both fiscal and human resources.

(3) Development of policy recommendations and legislative action to address the problems associated with developmental disabilities in Alabama. This list of recommendations and legislative action may include, but not be limited to, the following:

a. Development of criteria to assure that individuals with developmental disabilities in the State of Alabama and their families are eligible for services provided by the Department of Mental Health and Mental Retardation, nonprofit organizations formed pursuant to law, and other state agencies and their contractors.

b. Coordination of services among state agencies in order to prevent duplication of services between agencies.

c. Policy recommendations regarding improved care and services to persons with developmental disabilities and their families as it relates to gaps in service networks.

d. Financial and social support to individuals with developmental disabilities and their families that reside in the State of Alabama.

Upon the request of the chair, the Department of Mental Health and Mental Retardation shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the 5th legislative day of the 1996 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Legislators appointed to the study committee shall be compensated at their regular per diem rate to be paid through funds provided by the Legislature. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

On motion of Representative Carter, the resolution, H.J.R. 223, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 270. REPEALING HR 197, 1995 REGULAR SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That HR 197 of the 1995 Regular Session is hereby repealed.

On motion of Representative Carter, the resolution, H.R. 270, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 256. COMMENDING THE G. C. WALLACE STATE COMMUNITY COLLEGE GIRLS SOFTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great personal pleasure that the Alabama Legislature warmly congratulates the Wallace State Community College Girls Softball Team for outstanding accomplishments during the 1994-1995 season; and

WHEREAS, under the guidance of Coach Sherrill Hicks, this talented group of ladies dominated this softball season finishing 4th in the Nation and 2nd in the State of Alabama, earning the widespread respect and admiration for their hard work and dedication; and

WHEREAS, the members of the Wallace State Community College Girls Softball Team deserve special recognition for their impressive accomplishments, and they are: Ansley Beggs, Beth Jordan (All State Tournament Team, All Regional Team), Valisha Kirkland, Melissa Lee, Michelle Lee, Donna Lee, Beverly Reaves (All Regional Team), Ivy Hicks, Amanda Oliver, Lawanda Harris, Leigh Anne Collins, Mildred Peterman, Kim Barnes, Christy Carter, Katrina Johnson (National Tournament All Tournament Team), Crystal McDurmort, Kim Ganton, Kim Byrd, Michelle Miller, and Elizabeth Lawler; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and heartiest congratulations to the G. C. Wallace State Community College Girls Softball Team for outstanding achievement, and do furthermore direct that a copy of this resolution be provided as evidence of our sincere pride and esteem.

On motion of Representative Carter, the resolution, H.J.R. 256, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 260. COMMENDING KEEP ALABAMA BEAUTIFUL FOR OUTSTANDING SERVICE TO THIS STATE.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature highly commends the Keep Alabama Beautiful Program whose headquarters are located in Gadsden, Alabama, for outstanding service to the State of Alabama; and

WHEREAS, the Keep America Beautiful, Inc., organization has been recognized nationally; and

WHEREAS, the programs of Keep America Beautiful, Inc., educate the public and change their attitude and behavior towards recycling, litter, and other environmental issues; and

WHEREAS, Keep Alabama Beautiful is the state affiliate of Keep America Beautiful, Inc., representing communities in Choctaw, Etowah, Limestone, Jefferson, Madison, Marshall, Mobile, Montgomery, and Morgan Counties; and

WHEREAS, education of all Alabamians regarding the importance of protecting the environment is an essential step toward insuring a clean environment for future generations; and

WHEREAS, Keep Alabama Beautiful has presented workshops and curricula that are used in approximately 50 percent of the counties in the State of Alabama, reaching tens of thousands of students, teaching young people about proper handling of all types of wastes; and

WHEREAS, the Keep Alabama Beautiful Organization has made significant contributions to address litter problems, open dumps, and beautification projects of the state which have improved the overall quality of life and economic development in the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express deep appreciation to Keep Alabama Beautiful and all of the affiliated organizations located throughout the state, and do furthermore encourage all state agencies to utilize the programs and expertise of the Keep Alabama Beautiful Organization for whom a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 260, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 261. COMMENDING THE ALABAMA CHRISTIAN ACADEMY GIRLS SOFTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great personal pleasure that the Alabama Legislature recognizes the outstanding accomplishments of the Alabama Christian Academy Girls Softball Team, the 1995 2A State Champions; and

WHEREAS, under the guidance of Coach Denise Ainsworth and Assistant Coach Patti Turner, the Lady Eagles have dominated their competition throughout the season finishing with an impressive overall record of 25-13, and a sectional record of 14-0; and

WHEREAS, the Alabama Christian Academy Girls Softball Team has worked tirelessly, and their hard work and dedication is certainly worthy of this special recognition; and

WHEREAS, the members of the Alabama Christian Academy Girls Softball Team are: Christy Cheatam, Hayley Entrekin, Sonya Henderson, Tara Hyte, Amber Kelly, Hannah Kilpatrick, Connie Manley, Dinah Pigg, Amy Price, Lauren Russell, Jennifer Stowe, Alana Turner, Blakey Vinson, Alison Ward, and statistician, Leanne Breshears; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to the Alabama Christian Academy Girls Softball Team, the 1995 2A State Champions, and do furthermore direct that a copy of this resolution be provided as evidence of our pride and esteem for appropriate presentation and display at Alabama Christian Academy.

On motion of Representative Carter, the resolution, H.J.R. 261, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 262. COMMENDING THE ALABAMA CHRISTIAN ACADEMY BOYS BASEBALL TEAM FOR OUTSTANDING ACHIEVEMENTS.

WHEREAS, it is with great personal pleasure that the Alabama Legislature recognizes the Alabama Christian Academy Boys Baseball Team, the 1995 Alabama State 2A Champions; and

WHEREAS, under the guidance of Head Coach Chris Goodman and Assistant Coach Don Gilliam, the Eagles finished this 1995 season with a spectacular record of 28-8; and

WHEREAS, the members of the Alabama Christian Academy Boys Baseball Team are well-deserving of this special recognition in honor of their tremendous dedication and tireless efforts throughout the season, and they are: Chris Athey, Danny Boyd, Jason Davis, Michael Dismukes, John Faulk, Patrick Fuller, Carey Gillis, Jon Herring, Allen Hill, Chris Lewis, Scotty Melton, Lee Millergrren, Chris Nolan, Craig Pugh, Jonathon Redden, Corey Solomon, Scott Welch, Hunter Cook, Michael Fuller, Statistician Al Millergrren, and Trainer Tom McGilberry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to the Alabama Christian Academy Boys Baseball Team for an impressive season and for earning the title of the 1995 Alabama State 2A Champions, and do furthermore direct that a copy of this resolution be provided for appropriate presentation and display at Alabama Christian Academy.

On motion of Representative Carter, the resolution, H.J.R. 262, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 263. COMMENDING THE REVEREND RICHARD H. VIGNEULLE FOR HIS FAITHFUL SERVICE AS PASTOR OF SHADES MOUNTAIN INDEPENDENT CHURCH, BIRMINGHAM, ALABAMA.

WHEREAS, Reverend Richard H. Vigneulle has faithfully served the congregation of Shades Mountain Independent Church in Birmingham, Alabama, as their pastor for 25 years; and

WHEREAS, Pastor Vigneulle left a promising career in the business world to answer the call to become the founding pastor of what was then a store-front ministry; and

WHEREAS, with profound divine blessing, and through the leadership, vision, and perseverance of Pastor Vigneulle, that new church grew over 25 years to be a strong, consistent, and effective voice of hope and truth throughout Birmingham and the world; and

WHEREAS, during Pastor Vigneulle's leadership, Shades Mountain Independent Church has developed and maintained a program of support for foreign missions that has trained and placed dozens of permanent full-time missionaries from the Birmingham congregation in posts around the world, and will provide financial support for those and many dozens of other missionaries in excess of \$664,000 during 1995 alone; and

WHEREAS, during Pastor Vigneulle's leadership, Shades Mountain Independent Church has also instituted and sustained a program of evangelism and discipleship that has given confidence of eternal security to literally thousands of people and generated hundreds of people committed to full-time ministry in churches and schools throughout this country and on many foreign fields; and

WHEREAS, during Pastor Vigneulle's leadership, Shades Mountain Independent Church founded Shades Mountain Christian School, and has developed that school into one of the finest elementary and secondary educational institutions in our state, whose students routinely excel in academic, athletic, cultural and spiritual matters; and

WHEREAS, during Pastor Vigneulle's leadership, Shades Mountain Independent Church has successfully endeavored to present consistently and continually a message of hope and a source of compassion and support to all in need; and

WHEREAS, Pastor Vigneulle has selflessly selected, trained, and endowed with his personal blessings, a successor who will lead the congregation of Shades Mountain Independent Church into the 21st Century with enthusiasm and purpose; and

WHEREAS, effective with the anniversary of his twenty-fifth year of full-time ministry and service at Shades Mountain Independent Church, Reverend Richard H. Vigneulle will retire from the position of pastor during a week-long celebration of the church's 25 years of ministry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consideration of these efforts and accomplishments, and upon the occasion of his retirement and the 25th Anniversary of his service to mankind and the congregation of Shades Mountain Independent Church, we hereby extend highest commendation to Reverend Richard H. Vigneulle, to whom a copy of this resolution shall be presented as an expression of our heartiest congratulations, sincere appreciation, and hopeful encouragement and exhortation to many years of continued service to the never ending causes of the faith.

On motion of Representative Carter, the resolution, H.J.R. 263, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 264. HONORING SHADES MOUNTAIN INDEPENDENT CHURCH OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF ITS 25TH ANNIVERSARY.

WHEREAS, it is with great pride and utmost pleasure that the Alabama Legislature honors Shades Mountain Independent Church of Birmingham, Alabama, on the occasion of its 25th Anniversary Celebration, Sunday, July 2, 1995; and

WHEREAS, the ministry of Shades Mountain Independent Church has benefited many thousands of people in Birmingham and throughout the world, and has demonstrated extraordinary concern for people here and abroad through its aggressive programs of evangelism, discipleship, and foreign mission which have provided comfort and hope to untold numbers of people throughout the world; and

WHEREAS, Shades Mountain Independent Church has maintained substantial programs on financial, emotional, and spiritual support and comfort to individuals and families in times of distress and need; and

WHEREAS, Shades Mountain Independent Church has developed and maintained Shades Mountain Christian School as an elementary and secondary school of extraordinary scholastic, athletic, cultural, and spiritual quality, and the students of which have excelled in all fields and callings; and

WHEREAS, in all things Shades Mountain Independent Church has faithfully endeavored to be a positive force for good in the community and in our state regardless of the circumstances involved or the sacrifices required; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and heartiest congratulations to Shades Mountain Independent Church on the occasion of its 25th Anniversary Celebration, July 2, 1995, and do furthermore direct that a copy of this resolution be presented as evidence of our sincere appreciation and warmest personal regard.

On motion of Representative Carter, the resolution, H.J.R. 264, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 267. COMMENDING KEN DAVID OF ATHENS, ALABAMA, AS 1995 ALABAMA VETERAN OF THE YEAR.

WHEREAS, it is with great pride that the Alabama Legislature notes the selection of Ken David of Athens, Alabama, as 1995 Alabama Veteran of the Year by the State Council of the Vietnam Veterans of America (VVA); and

WHEREAS, Mr. David, who was honored at the annual Awards Banquet of the State Council of the VVA held recently in Gadsden, served his country with valor and distinction as a veteran of the Vietnam War and as a member of the United States Army for 21 years until his retirement in 1991; and

WHEREAS, Mr. David is a member of VVA Chapter 511, American Legion Post 49, and vice commander of Veterans of Foreign Wars Post 4765, and has served as Limestone County Veterans Service Officer since his appointment in 1992; and

WHEREAS, he has also given generously of his time and talents in service to his community and his fellowman in such capacities as president of the Athens-Limestone County Foundation on Aging, as publicity chairman and finance chairman of the Limestone County Republican Executive Committee, and as a member of the Board of Administrations of the First United Methodist Church of Athens, to name a few; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on his selection as Veteran of the Year, and in tribute to exemplary service to community, state, and nation, we hereby most highly commend Ken David of Athens, Alabama, for whom a copy of this resolution of sincere regard and esteem shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 267, was adopted.

BILLS ON SECOND READING

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 732. Relating to Walker County; authorizing the district attorney to establish a "Municipal Restitution Recovery Division" within the Office of the District Attorney; providing for collection and enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures in municipal courts; providing a collection fee; providing funding for the Municipal Restitution Recovery Division; and providing for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

H. 745. Relating to the Fourteenth Judicial Circuit of Alabama; to authorize the district attorney to establish a "restitution recovery division" within the Office of the District Attorney; to provide for collection and enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victims' compensation assessments, and bond forfeitures; to provide for a collection fee; to provide funding for the new restitution recovery division; and to provide for a circuit clerk's fund to assist the clerk in the implementation of this act.

H. 764. Relating to Walker County; to assess certain fees and additional fees on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, staffing, operation, and financing of a county jail; and to provide for an advisory referendum.

H. 768. Relating to Lawrence County; to provide for the service by the sheriff of subpoenas in the courts of the county.

H. 800. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Houston County, Alabama.

S. 488. Relating to the City of Cullman; to amend Section 3 of Act No. 93-536, S. 560 of the 1993 Regular Session (Acts 1993, p. 882), to further provide for the election of the Cullman City Board of Education.

Representative Turner, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 767. Relating to Mobile County; to amend Act No. 86-545, S. 655, 1986 Regular Session, as amended, which creates a county racing commission; to provide further for wagering on broadcasts.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Murphree:

H. 818. To repeal Article 2 of Chapter 2 of Title 37 of the Code of Alabama 1975, Sections 37-2-170 to 37-2-184, inclusive, relating to certain telephone companies and requiring approval of the Public Service Commission prior to obtaining loans under certain conditions.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Spratt:

H. 819. To authorize the governing bodies of counties and municipalities within the state to establish intercooperative public corporations for efficient compliance with applicable federal and state laws, rules and regulations relating to storm water discharges into municipal separate storm sewers; to provide the designated governing bodies of counties and municipalities within the state with the legal authority to control the contribution of pollutants to municipal storm sewers by storm water discharges associated with industrial activity, as well as illicit discharges and other discharges not composed entirely of storm water, to the extent the same is required under federal and state regulations; to authorize the counties and municipalities the option to participate with the public corporation; to authorize the public corporation to employ individuals directly or indirectly, to contract services, to purchase real and personal property, to construct and operate storm water facilities, to undertake studies and develop information regarding storm water runoff, to adopt policies, procedures, and rules applicable to its members, to develop pro forma remedies and procedures for enforcement of resolutions and ordinances, to sue and be sued except as immunized hereby, to establish the cost, charges, fees, or assessments necessary to fund operations and activities, to establish procedure for assessment and collection by the tax assessor and tax collector of such cost, charges, fees, or assessments levied by a member governing body, to authorize its agents to enter public or private property to investigate contamination with immunity from trespass, to conduct public hearings in the development of pro forma regulations and ordinances; to exempt the property and income and conveyances of or by the public corporation from state and local taxation and probate fees and taxes; to immunize the public corporation from civil suit and its board members and employees from liability for official duties; to confirm the governmental function of the public corporations' activities; to confirm the same or similar authority, powers, and immunity of governing bodies to control, prohibit, and enforce storm water laws and regulations; to confirm governing bodies' authority to adopt resolutions and ordinances to implement the storm water laws and procedures and this act and to participate in the public corporation and with other governing bodies and to

authorize the governing bodies to establish fees, charges, or assessments without referendum unless required by the Constitution, to authorize the levy and collection thereof by the tax assessor and tax collector, to establish by resolution or ordinance necessary enforcement measures, civil suit, and injunctive remedies; to confirm governing bodies' eminent domain authority; to require the tax assessor and tax collector to assist in the collection of fees, charges, and assessments, to establish a lien therefor and a collection commission, to exclude the Alabama Department of Environmental Management permittees, to confirm the continuing authority of the Alabama Department of Environmental Management and other state agencies; to declare the severability provisions and to establish an effective date.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Perdue:

H. 820. To authorize certain municipalities to employ police officers and firefighters without certification by any applicable civil service system or merit system.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McMillan, Fuller, and Penry:

H. 821. To provide for the establishment of the Alabama Public Education Equipment Loan Authority; to permit the authority to issue bonds for the purpose of making equipment loans to educational institutions to finance equipment costs; and to require each educational institution that receives an equipment loan to maintain a dedicated source of revenue to repay such equipment loans.

COMMITTEE ON WAYS AND MEANS

By Representative Gipson:

H. 822. Relating to scrap tire disposal and management in this state; to levy a fee on the sale of tires; to manage the proceeds for the abatement of scrap tires; to distribute fees for the management of scrap tire hauling, processing, and storage; to authorize the Department of Revenue to collect the fees and the Alabama Department of Environmental Management to use the proceeds in the administration of the act; and to prescribe penalties for violations of the act.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Fuller:

H. 823. To make an appropriation in the amount of \$50,000 from the Alabama Special Educational Trust Fund to the Educational Resources, Inc. for

the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel, Hawkins, Newton (D), Hill, Clark (J), Starkey, and White:

H. 824. To amend Sections 23-2-141, 23-2-142, 23-2-143, 23-2-144, 23-2-145, 23-2-146, 23-2-147, 23-2-148, 23-2-149, 23-2-150, 23-2-151, 23-2-152, 23-2-155, 23-2-156, 23-2-160, and 23-2-161, Code of Alabama 1975, which sections relate to the construction, operation, and maintenance of toll road, bridge, and tunnel projects by the Alabama Toll Road, Bridge, and Tunnel Authority; to further provide for the creation of the authority as a public corporation; to further provide that the bonds issued by the authority may be payable from the state's share of the supplemental excise tax on gasoline that is distributed to the state pursuant to the provisions of Section 40-17-74.1, Code of Alabama 1975; to provide that all contracts for the construction of projects undertaken by the authority shall be let by competitive bid; to provide that the Department of Transportation shall have certain powers to act on behalf of the authority; to further provide with respect to bonds and contracts of the authority and to empower the authority to make and enforce all reasonable rules and regulations; to provide that all bonds and other obligations of the authority shall be exempt from all laws respecting usury and to provide that no public hearing or consent by any department or agency of the state shall be prerequisite to the issuance of bonds by the authority; to appropriate to the authority all tolls collected by the authority and to authorize the authority to pledge that appropriation and the share of the state's supplemental excise tax on gasoline as security for the payment of the bonds issued by the authority; to provide that neither the activities of the authority nor the levy, setting, or collection of tolls shall be subject to supervision by the Public Service Commission or any other commission or agency of the state; and to create a special enterprise fund in the State Treasury into which all tolls and other revenues of the authority shall be deposited and to provide further with respect to the fund.

COMMITTEE ON WAYS AND MEANS

RESOLUTION

The following resolution was introduced:

By Representatives Page, Starkey, Morrison, Hall (L), Graham, Dukes, Sanderford, McDaniel, Letson, Lindsey, Murphree, Hinshaw, Papucci, McKee, Newton (D), Gipson, Hill and Allen:

H.J.R. 271. URGING THE U. S. CONGRESSIONAL DELEGATION FROM ALABAMA TO SUPPORT LEGISLATION GRANTING TO ATOMIC VETERANS SERVICE-CONNECTED MEDICAL AND DISABILITY BENEFITS AND LEGISLATION AUTHORIZING THE ISSUANCE OF A MEDAL.

The resolution, H.J.R. 271, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 607, were temporarily carried over at the request of Representative Turner.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 714, were temporarily carried over at the request of Representative Knight (A).

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Starkey, the Budget Isolation Resolution relating to the bill, H. 727, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Burke, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Moore, Morton, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Petelos, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, White and Willis.

-64

And the bill:

H. 727. Relating to Lauderdale County and its municipalities; to amend and reenact Act No. 86-244, H. 671 of the 1986 Regular Session (Acts 1986, p. 372), forming a Shoals Industrial Development authority for promoting industry and trade and the development of the counties and cities; for the purpose of forming a Shoals Economic Development Authority for promoting the economic development of the counties and cities.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Baker, Box, Boyd, Buskey, Carter, Clouse, Collins, Crigler, Curry, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hill, Hogan, Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McClammy, McDaniel, Minnifield, Moore, Morton, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Venable, White and Willis.

-57

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 739, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Buskey, Carothers, Carter, Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Houston, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Petelos, Pringle, Rogers (M), Sanderson, Sims, Spratt, Thomas (D), Turnham, Venable, White, Willis and Wren.

-55

And the bill:

H. 739. Relating to Crenshaw County; abolishing the office of constable.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Box, Boyd, Buskey, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hill, Hogan, Houston, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, Moore, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Turnham, Venable, White, Willis and Wren.

-57

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 770, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaines, Gaston, Guin, Hammett, Hawkins, Hill, Hogan, Houston, Jorgensen, Knight (A), Knight (J), Maull, McAdory, McClammy, Minnifield, Moore, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Venable, Warren, White, Willis and Wren.

-54

And the bill:

H. 770. Relating to Escambia County; providing that the offices of judge of probate and tax collector shall not be assessed for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, up to an annual maximum of \$2,500 per office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaines, Gaston, Graham, Guin, Hammett,

Haney, Hill, Hinshaw, Hogan, Houston, Jorgensen, Knight (A), Knight (J), Maull, McAdory, McClammy, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Perdue, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Turnham, Warren, White, Willis and Wren.

-55

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 772, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, McAdory, McClammy, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-64

And the bill:

H. 772. Relating to the Twenty-first Judicial Circuit, comprised of Escambia County, Alabama; to authorize the district attorney to establish a court cost recovery division within the office of the district attorney; to provide for collection and enforcement of court orders in certain cases of nonpayment of assessments, costs, fees, fines, or forfeitures.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Representatives Allen, Baker, Black (L), Box, Boyd, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hill, Hinshaw, Hogan, Houston, Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Maull, McAdory, McClammy,

Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Townsend, Turnham, Vance, Warren, White, Willis and Wren.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 773, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Maull, McAdory, McClammy, Moore, Morton, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

-63

And the bill:

H. 773. Relating to the Twenty-First Judicial Circuit of Alabama and the establishment of a Pre-Trial Diversion Program by the District Attorney.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, Minnifield, Moore, Morton, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-70

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 805, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), McAdory, McClammy, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-67

And the bill:

H. 805. Proposing an amendment to the Constitution of Alabama of 1901, ratifying and confirming the results of a referendum election held in 1994 in Washington County pursuant to Amendment No. 269 to this Constitution.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-72

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ghee:

S. 311. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act No. 94-652, S. 280, 1994 Regular Session (Acts 1994, p. 1243) relating to driving under the influence of alcohol; to prohibit the operation of a motor vehicle by a person under the age of 21 years who has .02 percent or more by weight of alcohol in his or her blood; and to provide penalties.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 311. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Bedford, Roberts, Smitherman, and Windom:

S. 333. Relating to the suspension of driving privileges for certain alcohol related actions; specifying the suspension procedure and duration; specifying a hearing and appeal process; and specifying a prospective effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 333. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Bailey, Waggoner, Armistead, Hill, Adams, Smith, Freeman, Little, Denton, Hale, Windom, Myers, Lipscomb, Butler, Davidson, Dial, and Amari:

S. 338. Relating to the offenses of driving a vehicle while under the influence of alcohol or a controlled substance; to amend Section 32-5A-191, Code of Alabama 1975 so as to increase the fines for such offenses and to lower the blood alcohol level at or above which a person is prohibited from operating a motor vehicle from 0.10 to 0.08; providing for the distribution of the additional fines; providing for the creation of the Alabama Chemical Testing Training and Equipment Trust Fund Advisory Board and the Alabama Chemical Testing Training and Equipment Trust Fund; providing for the composition and duties of the board; and appropriating \$900,000 from the Alabama Chemical Testing Training and Equipment Trust Fund to the Department of Forensic Sciences for the fiscal year ending September 30, 1996.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 338. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Figures:

S. 36. To amend Sections 32-6-300 and 32-6-301 of the Code of Alabama 1975, by providing that owners of all motor vehicles may purchase the "Helping Schools" tags, and providing further that the purchasers of the tags may designate the school district to receive the proceeds of the sale of the tags.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 36. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee:

S. 192. Relating to alcoholic beverages, requiring specified licensees to maintain a specified amount of liability coverage for any action brought under Section 6-5-71 of the Code of Alabama 1975; specifying certain reporting requirements; and providing for the revocation of a license.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 192. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Roberts:

S. 53. To amend Sections 14-6-1, 14-6-4, 14-6-6, 14-6-92, and 14-6-101, Code of Alabama 1975, which relate to duties of the office of sheriff; to relieve the sheriff of civil liability for the acts of the jailer; to provide further for the receiving into custody of federal prisoners and fugitive prisoners from other jurisdictions, and for the payment to the county for housing those prisoners; to provide further for

the transfer of prisoners to county jails, due to inadequate jail facilities in the original jurisdictions of the prisoners; to provide further for requirements regarding maintenance and repair of jails; to provide that nothing in specified existing law shall be construed to provide a cause of action by any prisoner confined in any jail of a city or county; and to provide for the use of funds derived under the provisions of this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 53. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Biddle:

S. 190. To amend Section 13A-11-75, Code of Alabama 1975, relating to the issuance of pistol permits by the sheriff of the county; to provide further for the application forms, duplicated licenses, and the amount of issuance fees; and to authorize the sheriff to perform all acts necessary to comply with federal firearm statutes and regulations.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 190. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Smitherman, Escott-Russell, McClain, and Waggoner:

S. 267. Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Jaycees; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 267. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Clay:

S. 275. To amend Sections 25-4-4, 25-4-16, 25-4-54, 25-4-78, 25-4-95, 25-4-120, 25-4-133, and 25-4-134, Code of Alabama 1975, to provide further for the fiscal year, the definition of wages, penalties on certain delinquent employers, disqualifications for unemployment compensation benefits, filing for judicial review of decisions by boards of appeal, offsets to recover overpayment, penalties on employers delinquent in filing certain reports, and limitations on certain actions and to provide for certain retroactive effect.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 275. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Freeman:

S. 291. To amend Section 32-5A-191 of the Code of Alabama 1975, relating to driving under the influence of alcohol; to prohibit the operation of a motor vehicle by a school bus or day care driver who has more than .02 percent or more by weight of alcohol in his or her blood; and to provide penalties.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 291. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Butler:

S. 303. To amend Section 9 of Act No. 93-846 of the 1993 First Special Session, now appearing as Section 22-11A-68, Code of Alabama 1975, to add physicians to the list of persons granted good faith immunity for reporting state health workers infected with HIV or HBV to the State Health Officer.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 303. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Figures:

S. 314. To amend Section 11-49-80, Code of Alabama 1975, to provide that the annexation of unincorporated territory into a municipality, after the effective date of this act, shall result in the municipality assuming responsibility to control, manage, supervise, regulate, repair, maintain, and improve all public streets or parts thereof lying within the territory annexed, under certain conditions; to provide that nothing contained within the bill shall require a municipality to assume responsibility to control, manage, supervise, regulate, repair, maintain, or improve any street or part thereof located within the territory annexed which was not being controlled, managed, supervised, regulated, repaired, maintained, and improved by the county prior to the effective date of the annexation, with certain exceptions; to provide that the responsibility for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality on the effective date of this act shall remain the responsibility of the entity responsible for such public streets or parts thereof on the effective date of this act; and to authorize a county and municipality to enter into a mutual agreement providing for an alternative arrangement for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 314. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bedford:

S. 334. To amend Sections 38-10-8 and 38-10-12 of the Code of Alabama 1975, relating to the distribution of support collections; to provide exceptions to the distribution requirements; to provide for disbursement of a pro rata share of support collected to each family owed support; to provide an exception to the five-day distribution rule when the department receives an affidavit to terminate income withholding; and to provide that collections of \$10 or less be held in escrow for distribution at a later date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 334. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Smitherman, Escott-Russell, and Langford:

S. 393. To amend Sections 12-11-30 and 12-12-30 of the Code of Alabama 1975, relating to the jurisdiction of the circuit and district courts, to increase the civil jurisdiction of the district courts.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 393. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Ghee:

S. 434. To amend Sections 22-18-1, 22-18-3 to 22-18-6, inclusive, Code of Alabama 1975, to conform to the Administrative Procedure Act rulemaking procedures with respect to emergency medical services; to reduce the licensure period for emergency medical technicians and ambulance drivers from three to two years, and to reduce the fee for such licenses from \$15.00 to \$10.00; to clarify language in existing code provisions relating to licensure of emergency medical technicians, ambulance operators, and ambulance drivers; to alter and expand the membership of the existing state emergency medical services advisory board, and to alter and clarify certain of its procedures; to eliminate current criminal penalties for violations of emergency medical services laws and to substitute new more specific provisions; to provide for the revocation of licenses for ambulance drivers, emergency medical technicians, and ambulance operators, to establish the specific grounds leading to adverse licensure action, and to conform such licensure procedures to the Alabama Administrative Procedure Act; to provide for the use of advanced life support procedures by emergency medical technicians and to permit properly staffed emergency vehicles to be equipped with drugs, fluids, and advanced life support equipment; to establish a state emergency medical control committee to advise the board of health; to clarify that the board of health, in fulfilling its responsibilities under the act, must in all cases conform its activities to the Administrative Procedure Act; to clarify that fire suppression activities and non-transport basic life support emergency medical services response of volunteer fire departments shall not be regulated by the board of health; and for other purposes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 434. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Bailey, Adams, Butler, and Freeman:

S. 449. To amend Section 40-9B-3, Code of Alabama 1975, and Acts 1993, 1st Extra Session, No. 93-851, p. 79, § 1, now appearing as Section 41-10-44.2, Code of Alabama 1975; to expand the industrial or research enterprise categories which qualify for tax abatements and site preparation grants, respectively, to include cotton gins; and to provide a retroactive effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 449. Industrial Development and Economic Growth.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Mitchell:

S. 482. To amend Sections 40-10-1, 40-10-2, 40-10-9, 40-10-10, and 40-10-18 of the Code of Alabama 1975, relating to the sales of lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales; and to provide for certain redemption procedures.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 482. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Smith, Dial, Adams, Biddle, Hale, Myers, Escott-Russell, Armistead, Roberts, Windom, Davidson, Dixon, Amari, Waggoner, Clay, Freeman, and McClain:

S. 513. To amend Section 32-5B-5 of the Code of Alabama 1975, relating to the penalty for violating the seat belt law; to provide that court costs will not be assessed.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 513. Judiciary.

MOTION TO RECONSIDER OFFERED

Having voted on the prevailing side, Representative Ford offered the motion to reconsider the vote by which the resolution, H.R. 270, was adopted.

MOTION TO TABLE LOST

The motion offered by Representative McKee to table the motion offered by Representative Ford to reconsider the vote by which the resolution, H.R. 270, was adopted, was lost.

Yeas 35; Nays 37.

Yea:

Representatives Allen, Carns, Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Gaston, Hammett, Haney, Hawkins, Hill, Hooper, Jorgensen, Knight (A), Maull, McAdory, McKee, McMillan, Moore, Morton, Papucci, Payne, Petelos, Rogers (M), Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Venable, Willis and Wren.

-35

Nay:

Representatives Baker, Bandy, Box, Boyd, Burke, Buskey, Dolbare, Drake, Ford, Graham, Guin, Hall (A), Hall (L), Hawk, Hayden, Hilliard, Hogan, Jackson, Kennedy, Letson, Lindsey, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Perdue, Robinson, Spratt, Starkey, Thomas (J), Turner and Warren.

-37

MOTION TO RECONSIDER ADOPTED

The question was then on the motion offered by Representative Ford to reconsider the vote by which the resolution, H.R. 270, was adopted, and the motion to reconsider was adopted.

Yeas 45; Nays 36.

Yea:

Representatives Allen, Baker, Bandy, Box, Boyd, Buskey, Dolbare, Drake, Ford, Graham, Guin, Hall (A), Hall (L), Hawk, Hayden, Hilliard, Hogan, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Laird, Letson, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Perdue, Robinson, Spratt, Starkey, Thomas (J), Warren, White and Willis.

-45

Nay:

Mr. Speaker, Burke, Carns, Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Gaston, Hammett, Haney, Hill, Hooper, Jorgensen, Knight (A), Lindsey, McKee, McMillan, Moore, Morton, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Thomas (D), Townsend, Turner, Venable and Wren.

-36

And the resolution, H.R. 270, was again taken up.

MOTION TO ADOPT OFFERED

Representative McKee offered the motion to adopt the resolution H.R. 270.

MOTION TO RECOMMIT TABLED

On motion of Representative McKee, the motion offered by Representative Turner to recommit the resolution, H.R. 270, was tabled.

Yeas 40; Nays 39.

Yea:

Mr. Speaker, Allen, Carns, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Haney, Hawkins, Hooper, Houston, Johnson (E), Knight (A), McAdory, McDaniel, McKee, McMillan, Moore, Morton, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Thomas (D), Townsend, Venable, Willis and Wren.

-40

Nay:

Representatives Baker, Black (M), Box, Boyd, Buskey, Dolbare, Drake, Ford, Fuller, Gipson, Graham, Guin, Hall (A), Hawk, Hayden, Hinshaw, Hogan, Jackson, Kennedy, Knight (J), Letson, Lindsey, Maull, McClammy, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Perdue, Spratt, Thomas (J), Turner, Turnham, Warren and White.

-39

MOTION TO CARRY OVER OFFERED

Representative Ford offered the motion to carry over the resolution, H.R. 270, and the pending motion to adopt to the twenty-first legislative day.

MOTION TO TABLE LOST

The motion offered by Representative McKee to table the motion offered by Representative Ford to carry over the resolution, H.R. 270, and the pending motion to adopt the resolution to the twenty-first legislative day was lost.

Yeas 45; Nays 49.

Yea:

Mr. Speaker, Allen, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Hammett, Haney, Hawkins, Hill, Hooper,

18th Day

Johnson (R), Jorgensen, Knight (A), Laird, McDaniel, McKee, McMillan, Moore, Morton, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Townsend, Vance, Venable, White, Willis and Wren.

-45

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Clark (W), Dolbare, Drake, Ford, Gipson, Graham, Guin, Hall (A), Hall (L), Hawk, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Perdue, Reed, Robinson, Rogers (J), Spratt, Thomas (J), Turner and Warren.

-49

H.R. 270 CARRIED OVER

The question was then on the motion offered by Representative Ford to carry over the resolution, H.R. 270, and the pending motion to adopt the resolution to the twenty-first legislative day, and the motion to carry over was adopted.

Yeas 54; Nays 30.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Collins, Dolbare, Drake, Ford, Gipson, Graham, Guin, Hall (A), Hall (L), Hawk, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Penry, Perdue, Reed, Robinson, Rogers (J), Smith, Spratt, Thomas (J), Turnham, Venable and Warren.

-54

Nay:

Representatives Carns, Clouse, Crigler, Curry, Dean, Dukes, Gaston, Haney, Hawkins, Hill, Hooper, Knight (A), Laird, McKee, Moore, Morton, Newton (C), Papucci, Payne, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Thomas (D), Townsend, Turner, Willis and Wren.

-30

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, June 20, 1995, and the motion was adopted.

MOTION TO RECESS ADOPTED

The motion offered by Representative Hammett that the House recess from 10:25 o'clock a.m. until 11:00 o'clock a.m. and from 1:30 o'clock p.m. to 2:00 o'clock p.m. was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 272. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the eighteenth legislative day, Thursday, June 15, 1995, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
H. 760 - By Flowers (As Amended)	106
Workers' Comp., substantially alt., numerous code sections amended	
H. 748 - By McDaniel (As Amended and Substituted)	96
Motor fuel tax, cert. floor stocks tax imposed, numerous code sections amended and repealed	
H. 749 - By McDaniel (As Amended)	97
Roads, co. roads, rural access program fund estab., deposit of cert. motor fuel tax, distrib. to cos., duties to Transportation Dept.	

H. 750 - By McDaniel	98
Eminent domain, interest rate on judgments, accrual, Sec. 18-1A-211 am'd.	
H. 751 - By McDaniel	98
Transportation Dept., surplus personal prop., disposition of provided	
H. 752 - By McDaniel (As Amended)	99
Motor vehicles, trucks, semitrailer trucks, fees for permits and fines, funds to Public Road and Bridge fund and not to St. Gen. Fund, Secs. 32-9-5, 32-9-6, 32 9-29 am'd.	
H. 305 - By Box (As Substituted)	61
Municipalities, maintenance of streets and roads in annexed territories, alt., Sec. 11-49-80 am'd.	
H. 560 - By Hill	44
Linked deposits, plan extended, deposit rates modified, Secs. 5-21-2, 5-21-3, 5-21-4, 5-21-5, 5-21-7, 5-21-9, 5-21-11 am'd.	
S. 19 - By Mitchell	38
Acts of Alabama, 1993 1st Sp. Sess., 1994 Reg. Sess., and 1994 1st Sp. Sess., codified	
On motion of Representative Carter, the resolution, H.R. 272, was adopted.	

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 760, was adopted.

Yeas 67; Nays 12.

Yea:

Mr. Speaker, Allen, Black (L), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-67

Nay:

Representatives Bandy, Black (M), Boyd, Buskey, Drake, Hall (A), Holmes, Kennedy, Knight (J), Perdue, Robinson and Rogers (J).

-12

And the bill:

H. 760. (With Amendments): Relating to workers' compensation; to amend Sections 25-5-1, 25-5-8, 25-5-11, 25-5-11.1, 25-5-14, 25-5-51, 25-5-52, 25-5-53, 25-5-56, 25-5-57, 25-5-58, 25-5-59, 25-5-68, 25-5-77, 25-5-78, 25-5-80, 25-5-81, 25-5-90, 25-5-110, 25-5-115, 25-5-226, 25-5-290, 25-5-291, 25-5-292, and 25-5-293, Code of Alabama 1975, and to add Section 25-5-220, Code of Alabama 1975, to make substantial alterations in the existing law.

was taken up.

MOTION IN WRITING OFFERED

Representative Black (M) offered the following Motion in Writing relating to the bill, H. 760:

Mr. Speaker:

"I move the previous question."

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 76; Nays 14.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

-76

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Carns, Hawkins, Kennedy, Lindsey, Newton (C), Newton (D), Perdue, Rogers (J), Turner and Venable.

-14

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Business and Labor, said committee amendment being as follows:

Amend H. 760 on Page 72, line 18, after the word "employee." by inserting the following: In the event the employer has evidence that the employee is exaggerating his claim, said employer may submit said evidence to the authorized treating physician without the consent of the employee.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 76; Nays 12.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-76

Nay:

Representatives Bandy, Black (L), Black (M), Boyd, Buskey, Dolbare, Drake, Holmes, Kennedy, Knight (J), Newton (D) and Perdue.

-12

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Business and Labor, said committee amendment being as follows:

Amend H. 760 on page 97, line 11, after the word "Association" and before the period by inserting the following: and a rehabilitation nurse from the Alabama State Nurses' Association

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 74; Nays 7.

Yea:

Mr. Speaker, Allen, Black (L), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-74

Nay:

Representatives Bandy, Black (M), Boyd, Buskey, Johnson (E), Kennedy and Newton (D).

- 7

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Business and Labor, said committee amendment being as follows:

Amend H. 760 on Page 67, on line 25 by striking the words An employer and by striking line 26 in its entirety.

Further amend H. 760 on Page 68, beginning on line 1 by striking lines 1 and 2 in their entirety and by striking on line 3 the words another of the employer's choice and inserting in lieu thereof the following:

An employer dissatisfied with the initial selection of the treating physician or surgeon has the right to change the provider from the physician or surgeon initially selected to another of the employer's choice, provided, that the employer must first establish that the medical or surgical treatments provided or proposed to be provided are not medically necessary under the guidelines developed by the Workers' Compensation Medical Services Board in accordance with Section 25-5-312(1), or are not in accordance with generally accepted standards of medical care.

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 73; Nays 16.

Yea:

Mr. Speaker, Allen, Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-73

Nay:

Representatives Bandy, Black (L), Black (M), Boyd, Buskey, Drake, Ford, Hayden, Holmes, Jackson, Johnson (E), Kennedy, Knight (J), McClammy, Newton (D) and Perdue.

-16

RECESS

Pursuant to the motion heretofore adopted, the House recessed for the purpose of hearing an address by Mr. Daniel S. Goldin.

JOINT SESSION

The hour of 10:30 o'clock a.m. having arrived and pursuant to the resolution, H.J.R. 231, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives for the purpose of hearing an address by Mr. Daniel S. Goldin, Administrator, National Aeronautics and Space Administration.

The Joint Session was called to order by Honorable Don Siegelman, Lieutenant Governor and Presiding Officer of the Senate.

Mr. Goldin was escorted to the Chair and was introduced by Representative Hammett. Thereupon Mr. Goldin delivered his address to the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

H. 760 RESUMED

And the bill:

H. 760. Relating to workers' compensation; to amend Sections 25-5-1, 25-5-8, 25-5-11, 25-5-11.1, 25-5-14, 25-5-51, 25-5-52, 25-5-53, 25-5-56, 25-5-57, 25-5-58, 25-5-59, 25-5-68, 25-5-77, 25-5-78, 25-5-80, 25-5-81, 25-5-90, 25-5-110, 25-5-115, 25-5-226, 25-5-290, 25-5-291, 25-5-292, and 25-5-293, Code of Alabama 1975, and to add Section 25-5-220, Code of Alabama 1975, to make substantial alterations in the existing law.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 74; Nays 10.

Yea:

Mr. Speaker, Allen, Baker, Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

Nay:

Representatives Bandy, Black (M), Buskey, Drake, Kennedy, Mitchell, Newton (D), Reed, Rogers (J) and Thomas (J).

-10

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Morrison, Murphree and Hawk intended to vote "Yea" on passage of the bill, H. 760, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 748, was adopted.

Yeas 77; Nays 3.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-77

Nay:

Representatives Drake, Hall (A) and Robinson.

- 3

And the bill:

H. 748. (With Substitute) (With Amendment): To amend Sections 40-1-44, 40-12-190, 40-12-198, 40-12-199, 40-17-1, 40-17-2, 40-17-5, 40-17-7, 40-17-9, 40-17-14, 40-17-22, 40-17-203, 40-17-220, and 40-17-221, relating to motor fuel taxes, to further define certain terms and clarify language therein; to further specify refund requirements; to provide for the payment of interest on refunds not

processed within 90 days; to impose a certain floor stocks tax on motor fuel on a certain date; to prescribe penalties for violations and to repeal Sections 40-17-3, 40-17-4, 40-17-11, 40-17-12, and 40-17-21.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend sections, 40-1-44, 40-12-190, 40-12-198, 40-12-199, 40-17-1, 40-17-2, 40-17-5, 40-17-6, 40-17-7, 40-17-9, 40-17-14, 40-17-20, 40-17-22, 40-17-203, 40-17-220, and 40-17-221, to further define certain terms and clarify language therein; to further specify refund requirements; to provide for the payment of interest on refunds not processed within 90 days; and to repeal sections 40-17-3, 40-17-4, 40-17-11, 40-17-12, and 40-17-21.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 40-1-44, 40-12-190, 40-12-198, 40-12-199, 40-17-1, 40-17-2, 40-17-5, 40-17-6, 40-17-7, 40-17-9, 40-17-14, 40-17-20, 40-17-22, 40-17-203, 40-17-220, and 40-17-221, of the Code of Alabama 1975, are hereby amended to read as follows:

"§40-1-44. "(a) Interest shall be added as provided herein to any tax or other amount due the department which is not paid by the due date. Interest on any delinquency shall be charged from the due date of the tax, except (1) interest on delinquent license taxes levied under Chapter 12 of this title shall be charged from the delinquent date provided in subsection (e) of Section 40-12-10; and (2) interest on delinquent license tax and registration fees levied on motor vehicles shall be charged beginning after the period allowed for registration or renewal; and (3) interest on the freight lines and equipment companies tax levied in Section 40-21-52 shall be charged from the delinquent date thereof. ~~Such~~ The interest shall be computed based on the underpayment rate established by the Secretary of the Treasury under the authority of 26 USC 6621.

"(b)(1) Except as provided in Subdivision (2) of this Subsection (b), interest shall be paid by the department on any refund of tax erroneously paid directly to the department. Interest shall be computed on any overpayment from the date of overpayment to the department; except, a. interest on any refund resulting from a net operating loss carryover or carryback shall be computed from the date the

claim giving rise to the refund is filed, b. interest on any overpayment of tax withheld and paid over to the state pursuant to Article 2 of Chapter 18 of this title and estimated tax paid pursuant to Section 40-18-83, shall be paid beginning 90 days after the due date of the return required by Section 40-18-27 for individuals, and Section 40-18-39 for corporations, or the date ~~such~~ the return is filed, whichever is later. Interest as required above shall be computed at the same rate as provided herein for interest on underpayments.

"(2) No interest shall be paid on any overpayment of the following taxes:

"a. Taxes paid by entities for which a refund is allowed by Sections 40-9-12 and 40-9-13;

"b. License taxes which are refunded pursuant to Sections 40-12-23 and 40-12-24;

"c. Gasoline taxes paid on gasoline used for agricultural purposes for which a refund is allowed by Division 3, Article 2, Chapter 17 of this title;

"d. Gasoline taxes paid on gasoline used for the static testing of engines for which a refund is allowed by Division 4, Article 2, Chapter 17 of this title;

"e. The motor fuels excise tax levied by Section 40-17-141 for which a refund or credit is allowed by Section 40-17-142; and

"f. The tobacco taxes levied by Chapter 25 of this title; and

"g. The motor fuels excise tax levied under Sections 40-17-2 and 40-17-220, for which a refund is provided for off-road users in Chapter 17 of Title 40, if the refund is paid within 90 days of the receipt of the proper documentation.

"§40-12-190.

"For purposes of this article, the following terms shall have the respective meanings ascribed by this section:

"(1) GASOLINE. Gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor used in internal combustion engines; provided, that nothing contained in this article shall be held to apply to those products known commercially as "kerosene oil," ~~or "fuel oil,"~~ or "crude oil" ~~used for lighting or heating purposes.~~

"(2) PUBLIC HIGHWAYS. Every way or place of whatever nature generally open to the public as a matter of right for the purpose of vehicular travel.

"(3) DISTRIBUTOR. All persons, copartnerships, firms, corporations, or associations liable to the State of Alabama for any excise tax on the sale, distribution, or withdrawal from storage of gasoline as herein defined; except, that it shall not include counties and other municipal corporations.

"(4) DESTINATION STATE. The state for which a motor vehicle or barge is destined for off-loading of gasoline into storage facilities for consumption or resale.

"(5) DYED FUEL. Motor fuel, as defined in Section 40-17-1, which is indelibly dyed and chemically marked in accordance with regulations issued by the Secretary of the Treasury of the United States under 26 U.S.C. 4082.

"(6) REFINER. A person who manufactures or produces gasoline by any process involving substantially more than the blending of gasoline.

"(7) SHIPPING DOCUMENT. Any invoice, shipping paper, bill of lading or drop ticket which discloses the destination state.

"(8) TERMINAL OPERATOR. A person that:

"a. stores gasoline in tanks and equipment used in receiving and storing gasoline from interstate or intrastate pipelines pending wholesale bulk reshipment; or

"b. stores gasoline at a boat terminal transfer that is a dock or tank, or equipment contiguous to a dock or tank, including equipment used in the unloading of gasoline from a ship or barge and used in transferring the gasoline to a tank pending wholesale bulk reshipment.

"§40-12-198.

~~"(a) Every person hauling, transporting or conveying gasoline in this state must, during the entire time he is so engaged, have in his possession an invoice, bill of sale, or other record evidence showing the true name and address of the person from whom he has received the gasoline, the number of gallons so originally received by him from said person, the true name and address of every person to whom he has made deliveries of said gasoline, or any part thereof, and the number of gallons so delivered to each of said persons. The person hauling, transporting, or conveying such gasoline shall, at the request of any person required by law to inquire into or investigate said matters, produce and offer for inspection said invoice, bill of sale, or record evidence. If said person fails to produce the invoice, bill of sale, or record evidence or if, when produced, it fails to clearly disclose said information, the same shall be prima facie evidence of a violation of this section.~~

"(a) Each person operating a refinery or terminal in Alabama shall prepare and provide to the driver of every highway vehicle receiving gasoline at the facility a shipping document setting out on its face the destination state as represented to the terminal operator by the shipper or the shipper's agent. Failure to comply with the provisions of this subsection may result in a Department imposed penalty of not less than \$100.00 nor more than \$1,000.00. This penalty is multiplied by the number of prior violations of this subsection.

"(b) Every person transporting gasoline in Alabama in a highway vehicle other than in its supply tank, shall carry on board a shipping document issued by the facility where the gasoline was obtained. The shipping document shall set out on its face the state of destination of the gasoline transported in the highway vehicle. A person who violates this subsection may be found guilty of a Class A misdemeanor. Failure to comply with the provisions of this subsection may result in a Department imposed penalty of not less than \$100.00 nor more than \$1,000.00. This penalty is multiplied by the number of prior violations of this subsection.

"(c) Every person transporting in Alabama gasoline received from a terminal operator or refiner shall provide the original or a copy of the terminal issued shipping document accompanying the shipment to the operator of the retail outlet to which delivery of the shipment was made. A person who knowingly violates or knowingly aids and abets another person in violating this subsection may be found guilty of a Class C felony. Failure to comply with the provisions of this subsection may result in a Department imposed penalty of not less than \$100.00 nor more than \$1,000.00. This penalty is multiplied by the number of prior violations of this subsection.

"(d) Each operator of a gasoline retail outlet shall receive, examine, and retain the shipping document received from the transporter for every shipment of gasoline that is delivered to each location, with record retention of the shipping document at the location for 30 days. At the end of 30 days, the shipping document shall be maintained with the required books and records for a period of three (3) years from the date of shipment. A person who knowingly violates or knowingly aids and abets another person in violating this subsection may be found guilty of a Class C felony. Failure to comply with the provisions of this subsection may result in a Department imposed penalty of not less than \$100.00 nor more than \$1,000.00. This penalty is multiplied by the number of prior violations of this subsection.

"(e) No bulk end user, retail dealer, or wholesale distributor shall knowingly accept delivery of gasoline into storage facilities in Alabama if that delivery is not accompanied by a shipping document that sets out on its face Alabama as the state of destination of the gasoline. A person who knowingly violates or knowingly aids and abets another person in violating this subsection may be found guilty of a Class C felony. Failure to comply with the provisions of this subsection may result in a Department imposed penalty of not less than \$100.00 nor more than \$1,000.00. This penalty is multiplied by the number of prior violations of this subsection.

"(f) The department shall provide for relief in a case where a shipment of gasoline is legitimately diverted from the represented destination state after the shipping document has been issued by the terminal operator or where the terminal operator failed to cause proper information to be printed on the shipping document. These relief provisions shall include a provision requiring that the shipper or its agent provide notification as prescribed by the Department before the diversion or correction is to occur.

"(g) The licensed distributor and the terminal operator shall be entitled to rely for all purposes of this section on the representation by the shipper or the shipper's agent as to the shipper's intended state of destination or tax exempt use. The shipper and the shipper's agent and customer, not the licensed distributor or terminal operator, shall be exclusively liable for any tax otherwise due to the state as a result of a diversion of the gasoline from the represented destination state or misuse as highway fuel.

~~"(b)~~ (h) Every motor vehicle being operated by private and for-hire carriers of property must be marked as specified in this section if that vehicle is transporting hazardous materials including gasoline of a kind or quantity that requires the vehicle to be marked or placarded in accordance with Section 177.823 of the Hazardous Materials Regulations of the Department of Transportation, and is operating under its own power, either alone or in combination.

~~"(e)~~ (i) The marking must display the following information:

"(1) The name or trade name of the private and for-hire carrier operating the vehicle;

"(2) The city or community and state abbreviation in which the carrier maintains its principal office or in which the vehicle is customarily based;

"(3) If the name of a person other than the operating carrier appears on the vehicle, the words "operated by" immediately preceding the information required by this section;

"(4) Other identifying information may be displayed on the vehicle if it is not inconsistent with the information required by this section.

~~"(d)~~ (j) The marking must meet the following requirements:

"(1) Appear on both sides of the vehicle;

"(2) Be in letters that contrast sharply in color with the background;

"(3) Be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary;

"(4) Be kept and maintained in a manner that retains the legibility required by this section;

"(5) The marking may consist of a removable device if that device meets the identification and legibility requirements of this code.

~~"(e) Any person guilty of violating~~ (k) Willful violation of any of the provisions of subsections (h), (i), or (j) shall be guilty of a misdemeanor shall constitute a class C felony.

"(f) (l) The marking provisions of this section as to the word "gasoline" shall not apply to a vehicle transporting gasoline ~~not in excess of 100 gallons~~ in the fuel tank thereof supplied by the manufacturer with the vehicle, or carried in an auxiliary fuel tank, connected directly with the carburetor of ~~such the~~ vehicle and used exclusively for propelling same, nor to vehicles transporting gasoline in quantities of not more than five gallons for delivery in response to emergency calls, nor to gasoline being transported by common carriers in railroad cars.

"(m)(1) Authority to inspect. Officers or employees of the State of Alabama, or law enforcement officers of any county or municipality in the state of Alabama, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized to enter any place and to conduct inspections.

"(2) Place of inspection. Inspections will be performed in a reasonable manner and at times that are reasonable under the circumstances, taking into consideration the normal business hours of the place to be entered.

"Inspections may be at any place at which taxable fuel is (or may be) produced or stored or at any inspection site where evidence of activities may be discovered. These places may include, but are not limited to:

"a. Any terminal;

"b. Any fuel storage facility that is not a terminal;

"c. Any retail fuel facility; or

"d. Any designated inspection site.

"A designated inspection site is any State or Local highway inspection station, weigh station, agricultural inspection station, mobile station, or other location designated by the Commissioner or his designated agent to be used as a fuel inspection site. A designated inspection site will be identified as a fuel inspection site.

"Fuel inspections may also be conducted in the course of safety or other vehicle inspections authorized by law.

"(3) Scope of inspection. Officers or employees of the State of Alabama, or law enforcement officers of any county or municipality in the State of Alabama, may physically inspect, examine or otherwise search any tank, reservoir, or other container that can or may be used for the production, storage, or transportation of fuel, fuel dyes, or fuel markers. Inspection may also be made of any equipment used for, or in connection with, production, storage, or transportation of fuel, fuel dyes or fuel markers. This includes any equipment used for the dyeing or marking of fuel, and shall include the inspection of related shipping documents.

"Officers or employees of the State of Alabama, or law enforcement officers of any county or municipality in the state of Alabama, may detain any vehicle, train, or boat for the purpose of inspecting its fuel tanks and storage tanks. Detainment may continue for any reasonable period of time, not to exceed one hour, necessary to determine the amount and composition of the fuel."

"Officers or employees may take and remove samples of fuel in reasonable quantities necessary to determine its composition."

"(4) Penalties. Any person that refuses to allow an inspection may be penalized \$1,000.00 for each refusal. This penalty is in addition to any other penalties or tax that may be imposed upon that person or any other person liable for fuel excise taxes."

"The following acts are grounds for a civil penalty payable to the Department of Revenue:

"a. Transporting fuel in a railroad tank car or transport truck without a shipping document or with a false or an incomplete shipping document."

"b. Delivering fuel to a destination state other than that shown on the shipping document."

"The penalty imposed under this subsection is payable by the person in whose name the conveyance is registered, tagged, or titled, or the lessee if the conveyance is a transport truck. It is payable by the person responsible for the movement of fuel in the conveyance, if the conveyance is a railroad tank car. The amount of the penalty depends on the amount of fuel improperly transported or diverted and whether the person against whom the penalty is assessed has previously been assessed a penalty under this subsection. For a first assessment under this subsection, the penalty is twice the amount of excise tax payable on the improperly transported or diverted fuel. For a second or subsequent assessment under this subsection, the penalty is the greater of five thousand dollars (\$5,000.00) or five times the amount of excise tax payable on the improperly transported or diverted fuel. A penalty imposed under this subsection is in addition to any fuel excise tax assessed."

"c. Penalty for highway use of dyed fuel."

"It is unlawful to use dyed fuel for highway use, with the exception of a city or county vehicle and those permitted under 26 U.S.C. 4082. The operation of a motor vehicle on a highway with a supply tank containing dyed fuel, the use of which is unlawful under this section, or the use of other fuel on which the tax imposed by the State has not been paid, may constitute a class A misdemeanor and result in a civil penalty."

"The penalty is payable to the Department of Revenue and is payable by the person in whose name the motor vehicle is registered and/or the driver of the vehicle. The penalty is the greater of one thousand dollars (\$1,000.00) or \$10 per gallon of the fuel involved. In the case of repeated violations, the penalty is to be multiplied by the number of prior penalties that have been imposed under this section. The penalty imposed under this section is in addition to any fuel tax assessed. A county or municipality shall be entitled to 25 percent of any penalty authorized by this section if law enforcement officers in its employment provide information that leads to the arrest and conviction of any person violating the provisions of this section or to the assessment and collection of the excise taxes from any person violating the provisions of this section.

"§40-12-199.

"Every person hauling, transporting, or conveying gasoline over any of the navigable waters of this state must, during the entire time he is so engaged, have in his maintain possession of an invoice or bill of sale showing the true legal name and physical address of the person from whom he has gasoline was received said gasoline, the true legal name and physical address of every person or persons to whom he is making deliveries of gasoline will be made, and along with the number of gallons delivered; that is, a any person hauling, transporting, or conveying said the gasoline must have in his their possession record evidence of the legal name and physical address of the person from whom he has gasoline was received the same and also of the legal name and physical address of the person to whom he is going to gasoline will be delivered the same and the number of gallons to be delivered. The person hauling, transporting, or conveying said the gasoline shall, at the request of any person authorized by law to inquire into or investigate said matters, produce and offer for inspection said the invoice or bill of sale. If said person fails Failure to produce the invoice or bill of sale, or if, when produced, it fails to clearly disclose said the required information is not clearly disclosed, the same it shall be prima facie evidence of a violation of this section.

"No person shall haul, transport, or convey gasoline in boats, over any of the navigable waters of the state, except in boats, plainly and visibly marked on both sides and above the water line thereof with the word "gasoline" or other name of the motor fuel being transported, in letters at least four inches high and of correspondingly appropriate width, together with the legal name and physical address of the owner of the boat in which such the gasoline is contained.

"Any person guilty of violating Violation of any of the provisions of this section shall be guilty of a misdemeanor constitute a Class C felony.

"The provisions of this section shall not apply to boats transporting gasoline to be used solely for their own motive power, nor to gasoline being transported by boats engaged as common carriers.

"§40-17-1.

"As used in this article, the term "motor fuel" shall include diesel fuel, tractor fuel, gas oil, distillate, kerosene, jet fuel, or any substitutes or devices therefor when sold, distributed, stored, or withdrawn from storage in this state for use in the operation of any motor vehicle upon the highways of this state.

"For the purposes of this article, the following terms shall have the respective meaning ascribed by this section;

"(1) MOTOR FUEL. Diesel fuel, tractor fuel, fuel oil, distillate, kerosene, jet fuel or any substitute or devices therefor.

"(2) DISTRIBUTOR. Any person who acquires ownership of motor fuel directly from a supplier at or from a barge, barge line, pipeline terminal, terminal, refinery, or imports motor fuel into this state.

"(3) RETAIL DEALER. Any person operating a service station or other retail outlet, and engaged in the selling of motor fuel to the ultimate consumer.

"(4) STORAGE. Bulk reserve tanks and other facilities where motor fuel is stored and which are used for the accumulation of motor fuel for future distribution, or for any use thereof, whether the motor fuel so stored is sold or not, except:

"a. Motor fuel stored in tanks or other facilities equipped to dispense motor fuels at retail; or

"b. Motor fuel stored in retail tanks that are designed or equipped to deliver fuel into the fuel supply tanks of motor vehicles at retail.

"(5) SUPPLIER. Any person who owns motor fuel imported by barge, barge line, or pipeline and stored at a barge, barge line, or pipeline terminal in this state or any person who refines and stores motor fuel at a refinery in this state.

"§40-17-2.

"Every distributor, storer or user, as defined in this article, shall pay, except as otherwise herein provided, an excise tax of \$.13 per gallon upon the selling, using or consuming, distributing, storing, or withdrawing from storage in this state of any motor fuel for use in the operation of any motor vehicle upon the highways of this state; provided, that where the excise tax herein levied shall have been paid by one distributor or storer or user, such payment shall be sufficient, the intent being that the tax shall be paid but once; provided further, that motor fuel subject to the excise tax levied by this article shall not be subject to any other excise tax levied by the state.

"There is hereby levied an excise tax on motor fuel of \$.13 per gallon, which shall be collected as herein provided.

"(a) Every distributor or supplier shall collect and pay over to the state department of revenue an excise tax of \$.13 per gallon upon the receipt, by any means other than a transfer by a marine vessel or pipeline, of motor fuel from a terminal, refinery, barge, barge line, or pipeline terminal in this state, or upon import into this state by any means other than pipeline, marine vessel, or the fuel supply tank of the vehicle, for any use of motor fuel not exempted by this article. Provided, that where any excise tax imposed by this section shall have been paid to the state by a distributor or supplier the payment shall be sufficient, the intent being that the tax shall be paid to the state but once; provided, further, that motor fuel subject to the excise tax levied by this article shall not be subject to any other excise tax levied by the state. Motor fuel that is indelibly dyed and chemically marked in accordance with regulations issued by the Secretary of the Treasury of the United States under 26 U.S.C. 4082 shall be exempt from the tax imposed by this subsection (a).

"(b) A licensed distributor may take a credit or request a refund pursuant to the provisions of Section 40-2A-7, for the following sales of motor fuel on which the tax has been imposed by this article:

"(1) Motor fuel sold to the United States.

"(2) Motor fuel used to propel aircraft powered by jet or turbine engines;

"(3) Motor fuel sold to governing bodies of counties and incorporated municipalities;

"(4) Motor fuel sold to city and county boards of education;

"(5) Motor fuel sold to the Alabama Institute for Deaf and Blind, the department of youth services school district, and to private and church school systems as defined in Section 16-28-1, and which offer essentially the same curriculum as offered in grades K-12 in the public schools of this state;

"(6) Motor fuel sold as kerosene for lighting or heating purposes;

"(7) Motor fuel that is sold from one Alabama licensed distributor to another Alabama licensed distributor; and

"(8) Motor fuel which is exported by the licensed distributor.

"(c) The use of motor fuel on which the tax has been imposed and paid under the provisions of this article shall be exempt from the tax imposed by this article and the user shall be entitled to a refund when motor fuel is used in designated off-road vehicles, or other off-road equipment (except marine use), or for commercial marine use as defined by the federal government or for any of the uses described in subsection (b). The end user shall be entitled to apply for a refund on a quarterly basis for excise taxes paid according to the provisions of this article, subject to the following limitations:

"(1) Applications for refund shall be completed by the end user on forms prescribed by the commissioner of revenue and sworn to by the applicant before some officer authorized to administer oaths.

"(2) The statute of limitations for filing refunds is within three years of the date that the motor fuel was purchased.

"(3) The provisions of this section shall become effective for tax-paid motor fuel purchased on or after the effective date of this act.

"(d) Any applicant for the refund of the taxes levied herein who willfully files an inaccurate petition or false claim for a refund shall be subject to a penalty of 100% of the refund claimed, along with interest assessed according to the provisions of section 40-1-44.

"(e) Any person shall pay to the Department of Revenue an excise tax of \$.13 per gallon, on:

"(1) Motor fuel which was allowed as a credit under the provisions of this article which is sold for a use not allowed as a credit by the provisions of this article.

"(2) Motor fuel on which no tax has been paid under the provisions of this article when it is used to operate a highway vehicle not exempted under the provisions of this article.

"(3) Motor fuel on which tax imposed by this article has been refunded when it is used to operate a highway vehicle not exempted under the provisions of this article.

"(4) Dyed motor fuel used to operate any on-road vehicles other than city and county vehicles or used in marine craft not used for commercial purposes.

"§40-17-5.

"On or before the twentieth day of each calendar month, every person upon whom this excise tax is levied shall render to the Department of Revenue on forms prescribed by the Commissioner of Revenue a true and correct statement of total purchases, sales, and withdrawals of motor fuels made by him or them during the next preceding calendar month and shall furnish the said Department of Revenue such other information as such Department of Revenue may demand or require upon blanks to be formulated and furnished by said commissioner and at the time of making such monthly report shall pay to the Department of Revenue an amount of money equal to the excise tax as herein levied; ~~provided, that such sales or withdrawals are made for use in propelling motor vehicles over the highways of this state.~~

"§40-17-6.

"The monthly statement as herein required to be made by the distributor or ~~sterer~~ supplier shall be sworn to before some officer authorized to administer oaths, and any fraudulent statement sworn to shall constitute perjury, and upon conviction thereof the person so convicted shall be punished as provided by Section 13A-10-101.

"§40-17-7.

"(a) All distributors or ~~sterers~~ suppliers shall keep within the State of Alabama at some certain place or office such books, documents, or other papers as that will clearly show the amount of receipts, sales, distributions, or other withdrawals made in this state of motor fuels as herein defined.

"(b) All users filing refund petitions or claiming exemption from the excise tax levied in this article, for off the highway use, shall accurately maintain adequate records as required under regulations promulgated by the department in accordance with the provisions of chapter 22 of Title 41.

"§40-17-9.

"If any Willful failure on the part of any distributor or ~~sterer or user~~ as herein defined shall fail supplier to make the reports or any of them to the Department of Revenue as herein required or shall fail failure to keep the records as herein required, such distributor or ~~sterer or user~~ shall be guilty of a shall constitute a class B misdemeanor and upon conviction thereof shall be fined result in a fine of not less than ~~\$50~~ \$500.00 nor more than ~~\$300~~ \$1,000.00 for such each offense. Each month of such failure shall constitute a separate offense."

"§40-17-14.

"Before any person engages in the purchase, import, sale, withdrawal or use of motor fuels, as herein defined, for the operation of motor vehicles on the highways of this state on which fuels the tax levied by this article has not been paid to a licensed distributor, he they shall make application to the Department of Revenue upon forms prepared by the department for a license, and such person shall post a bond for such a sum as fixed by the Commissioner of Revenue may fix to secure the payment of the tax hereby levied, said this bond is to guarantee the prompt payment of all tax accruing hereunder and to include such other reasonable conditions as the Commissioner of Revenue may require to the end that evasions of the tax imposed hereby may be prevented; provided, that this section shall not be construed to require a separate bond by persons bonded as provided in Sections 40-12-190 through 40-12-206. Motor fuel that is indelibly dyed and chemically marked in accordance with regulations issued by the Secretary of the Treasury of the United States under 26 U.S.C. 4082, is exempt from the provisions of this section.

§40-17-20.

"Any distributor, ~~storer or user~~ person who shall violate any of the provisions of this article may be restrained and the proper prosecution instituted in the name of the State of Alabama by its Attorney General or under his direction by a district attorney or any attorney employed by the Department of Revenue with the approval of the Governor and Attorney General from distributing, using, or withdrawing from storage any motor fuel as herein defined, the sale or withdrawal of which is taxable under this article, until such person shall have complied with the provisions of this article.

"§40-17-22.

"It shall be unlawful for any person to sell for use or to use motor fuel ~~in the operation of a motor vehicle over the highways of this state,~~ upon which the tax levied by Chapter 17 of Title 40, has not been paid or the payment thereof assumed by a distributor, ~~storer, or user~~ licensed by the Department of Revenue. Any person who willfully fails to comply with the provisions of ~~said this~~ chapter shall for each failure be subject to a penalty imposed by the Department of Revenue of not less than \$100 nor more than \$10,000.

"§40- 17-203.

"Refusal to comply with the provisions of this article shall ~~constitute a misdemeanor punishable by a fine of not less than \$50 nor more than \$200 for each such offense.~~ for each refusal be subject to a penalty imposed by the department of revenue of not less than \$100.00 nor more than \$1,000.00.

"§40-17-220.

"(a) There is hereby levied in addition to all other taxes of every kind now imposed by law an excise tax on gasoline, ~~motor fuel,~~ and lubricating oil of \$.04 per gallon, which shall be collected as herein provided.

"(b) Every manufacturer, distributor, refiner, retail dealer, storer, or user of gasoline, ~~motor fuel~~ or lubricating oil shall collect and pay over to the State Department of Revenue an excise tax of \$.04 per gallon upon the selling, use or consumption, distributing, storing, or withdrawing from storage in this state for any use of gasoline, ~~motor fuel,~~ or lubricating oil as defined or otherwise referred to in this article, except gasoline, ~~motor fuel,~~ and lubricating oil expressly exempted by the provisions of this article. Provided, that where any excise tax imposed by this section upon the sale, use or consumption, distribution, storage or withdrawal from storage in this state of ~~such~~ gasoline, ~~motor fuel,~~ or lubricating oil shall have been paid to the state by a manufacturer, distributor, refiner or by any retail dealer, storer, or user, ~~such the~~ payments shall be sufficient, the intent being that the tax shall be paid to the state but once.

"(c) The State Department of Revenue is hereby authorized to issue to the United States certificates of exemption, upon forms prescribed by the department, for use by the United States in purchasing gasoline, ~~motor fuel~~, or lubricating oil taxed by this section within the State of Alabama and which is paid for by the United States. Any person in reporting and paying the tax to the department may deduct the number of gallons of ~~such~~ products taxed by this section sold to the United States, as shown by ~~such~~ a certificate of exemption duly executed by the United States and filed with ~~such~~ a report, and the department is authorized to adopt rules and regulations with respect to the issuance and use of ~~such~~ these certificates.

"(d) The following are expressly exempted from the provisions of this article:

"(1) Gasoline and other fuel used to propel aircraft powered by reciprocating engines, any fuel used to propel aircraft powered by jet or turbine engines and lubricating oil used in such aircraft;

"(2) Gasoline ~~and motor fuel~~ used to propel ships, vessels, barges, railroad locomotives, other railroad equipment, and lubricating oil used in ships, vessels, barges, railroad locomotives, and other railroad equipment;

"(3) Gasoline, ~~motor fuel~~, and lubricating oil sold to be used for agricultural purposes;

"(4) Gasoline, ~~motor fuel~~, and lubricating oil sold to governing bodies of counties and incorporated municipalities;

"(5) Gasoline, ~~motor fuel~~, and lubricating oil sold to be used in off-road vehicles which presently do not require state licensing; specifically, but not limited to, forklifts and other like devices not for use on the streets and highways of this state; ~~and~~

"(6) Gasoline, ~~motor fuel~~, and lubricating oil sold to city and county boards of education; and

"(7) Gasoline, ~~motor fuel~~, and lubricating oil sold to private and church school systems as defined in Section 16-28-1, and which offer essentially the same curriculum as offered in grades K-12 in the public schools of this state, Alabama Institute for Deaf and Blind, and the Department of Youth Services.

"(e) Every distributor or supplier shall collect and pay over to the state department of revenue an excise tax of \$.04 per gallon upon the receipt, by any means other than a transfer by a marine vessel or pipeline, of motor fuel from a terminal, refinery, barge, barge line, or pipeline terminal in this state, or upon import into this state by any means other than pipeline, marine vessel, or the fuel supply tank of the vehicle, for any use of motor fuel not exempted by this article. Provided, that where any excise tax imposed by this section shall have been paid to the state by a distributor or supplier the payment shall be sufficient, the intent

being that the tax shall be paid to the state but once. Motor fuel that is indelibly dyed and chemically marked in accordance with regulations issued by the Secretary of the Treasury of the United States under 26 U.S.C. 4082 shall be exempt from the tax imposed by subsection (e) of this section.

"(f) A licensed distributor may take a credit or request a refund pursuant to the provisions of Section 40-2A-7, for the following sales of motor fuel on which the tax has been imposed by this article:

"(1) Motor fuel sold to the United States.

"(2) Motor fuel used to propel aircraft powered by jet or turbine engines;

"(3) Motor fuel sold to governing bodies of counties and incorporated municipalities;

"(4) Motor fuel sold to city and county boards of education;

"(5) Motor fuel sold to the Alabama Institute for Deaf and Blind, the department of youth services school district, and to private and church school systems as defined in Section 16-28-1, and which offer essentially the same curriculum as offered in grades K-12 in the public schools of this state;

"(6) Motor fuel sold as kerosene for lighting or heating purposes;

"(7) Motor fuel that is sold from one Alabama licensed distributor to another Alabama licensed distributor; and

"(8) Motor fuel which is exported by the licensed distributor.

"(g) The use of motor fuel on which the tax has been imposed and paid under the provisions of this article shall be exempt from the tax imposed by this article and the user shall be entitled to a refund when motor fuel is used in designated off-road vehicles, or other off-road equipment (except marine use), or for commercial marine use as defined by the federal government or for any of the uses described in subsection (f). The end user shall be entitled to apply for a refund on a quarterly basis for excise taxes paid according to the provisions of this article, subject to the following limitations:

"(1) Applications for refund shall be completed by the end user on forms prescribed by the commissioner of revenue and sworn to by the applicant before some officer authorized to administer oaths.

"(2) The statute of limitations for filing refunds is within three years of the date that the motor fuel was purchased.

"(3) The provisions of this section shall become effective for tax-paid motor fuel purchased on or after the effective date of this act.

"(h) Any applicant for the refund of the taxes levied herein who willfully files an inaccurate petition or false claim for a refund shall be subject to a penalty of 100% of the refund claimed, along with interest assessed according to the provisions of section 40-1-44.

"(i) Any person shall pay to the Department of Revenue an excise tax of \$.04 per gallon, on:

"(1) Motor fuel which was allowed as a credit under the provisions of this article which is sold for a use not allowed as a credit by the provisions of this article.

"(2) Motor fuel on which no tax has been paid under the provisions of this article when it is used to operate a highway vehicle not exempted under the provisions of this article.

"(3) Motor fuel on which tax imposed by this article has been refunded when it is used to operate a highway vehicle not exempted under the provisions of this article.

"(4) Dyed motor fuel used to operate any on-road vehicles other than city and county vehicles or used in marine craft not used for commercial purposes.

§40-17-221.

"(a) The provisions of this article pertaining to gasoline and the tax herein levied on gasoline shall be administered and collected in accordance with Sections 40-17-30, 40-17-32 through 40-17-37, 40-17-38, 40-17-39 through 40-17-49, 40-17-52, and 40-17-220, or as otherwise provided in this title.

"(b) The provisions of this article pertaining to motor fuel and the tax herein levied on motor fuel shall be administered and collected in accordance with Sections 40-17-1, ~~40-17-3~~ 40-17-5 through ~~40-17-12~~ 40-17-9, 40-17-14 through 40-17-20, or as otherwise provided in this title.

"(c) The provisions of this article pertaining to lubricating oil and the tax herein levied on lubricating oil shall be administered and collected in accordance with Sections 40-17-170, 40-17-173, 40-17-176 through 40-17-186, or as otherwise provided in this title."

Section 2. The Commissioner of the Department of Revenue is hereby authorized and directed to allow distributors licensed by the Department of Revenue under the provisions of Section 40-12-191 or Section 40-17-14, and who have made bond, as is required under Section 40-12-194 or Section 40-17-14, a discount in an amount equal to two percent of the first \$10,000 of tax paid and one percent of all amounts of tax paid in excess of \$10,000 under the provisions of Section 40-17-2 and Section 40-17-220, not to exceed in any case \$500 on taxes paid in any one month, to partially defray the costs to licensed and bonded distributors of making reports to the Department of Revenue, losses incurred in

the handling of motor fuel, and maintaining complete and accurate records for the reporting or paying of this tax. Whoever defaults in reporting or paying the taxes when they become due and payable to the state shall not be allowed a discount under this section.

Section 3. (a) There is hereby imposed a floor-stocks tax on motor fuel owned by any person on October 1, 1995, if:

(1) No tax was imposed on the motor fuel under Sections 40-17-2 and 40-17-220 as they existed on September 30, 1995; and

(2) Tax would have been imposed on the motor fuel by this act had it been in effect for the periods prior to its effective date, October 1, 1995.

(b) The rate of the tax imposed by this section shall be the amount of tax imposed under Sections 40-17-2 and 40-17-220 on September 30, 1995.

(c) Any person owning motor fuel on October 1, 1995, to which the tax imposed by this section applies shall be liable for the tax. The tax imposed by this section shall be paid on or before December 31, 1995, and shall be paid in the manner prescribed by the department.

Section 4. Sections 40-17-3, 40-17-4, 40-17-11, 40-17-12, and 40-17-21 of the Code of Alabama 1975, are hereby repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective on the first day of October, 1995 following its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk,

Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-81

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 748 As Substituted on Page 15, line 20, after the word "boats" insert the words: or barges

On page 15, line 21, after the word "boat" insert the words: or barges

On page 15, line 25, after the word "boat" insert the words: or barges

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Cams, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

-77

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 760. Relating to workers' compensation; to amend Sections 25-5-1, 25-5-8, 25-5-11, 25-5-11.1, 25-5-14, 25-5-51, 25-5-52, 25-5-53, 25-5-56, 25-5-57, 25-5-58, 25-5-59, 25-5-68, 25-5-77, 25-5-78, 25-5-80, 25-5-81, 25-5-90, 25-5-110, 25-5-115, 25-5-226, 25-5-290, 25-5-291, 25-5-292, and 25-5-293, Code of Alabama 1975, and to add Section 25-5-220, Code of Alabama 1975, to make substantial alterations in the existing law.

TOMMY CARTER
Chairman

And the bill, H. 760, as engrossed, was ordered sent to the Senate.

H. 748 RESUMED

AMENDMENT OFFERED

Representative Penry offered the following amendment to the bill, H. 748, as amended:

Amend the Substitute to House Bill 748 on Page 6, Line 20 by deleting "\$100.00" and by substituting in lieu thereof the following "\$500.00".

Further amend the Substitute to House Bill 748 on Page 7 Line 5 by deleting "\$100.00" and by substituting in lieu thereof "\$500.00".

Further amend the Substitute to House Bill 748 on Page 7 Line 16 by deleting the following, "\$100.00" and by substituting in lieu thereof "\$500.00".

Further amend the Substitute to House Bill 748 on Page 8, Line 4 by deleting the following, "\$100.00" and by substituting in lieu thereof, "\$500.00".

Further amend the Substitute to House Bill 748 on Page 8 Line 14 by deleting the following "\$100.00" and by substituting in lieu thereof the following "\$500.00".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-79

Nay:

Representative Johnson (R).

- 1

RECESS

The hour of 1:30 o'clock p.m. having arrived and pursuant to the motion heretofore adopted, the House recessed until 2:00 o'clock p.m.

HOUSE RECONVENED

The hour of 2:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

SPECIAL ORDER CALENDAR RESUMED**H. 748 TEMPORARILY CARRIED OVER**

On motion of Representative McDaniel, the bill, H. 748, as amended, was temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 749, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-82

And the bill:

H. 749. (With Amendment): Relating to county roads; to establish the Rural Access Program; to provide definitions; to create a fund in the State Treasury which shall be called the Rural Access Program Fund; to describe the sources of revenue for the fund; to provide the distribution and appropriation of revenues for the Rural Access Program; to provide for the use of the funds; to provide that appropriations for the Rural Access Program are capital outlay appropriations; to provide that Rural Access Program Funds shall be matched by county funds and that they may be used for a portion of the county matching share of any federally funded county projects; to provide for obligation limitations; to provide that the Transportation Director shall have sole authority to promulgate rules and regulations for the operation of the Rural Access Program; to provide that the Department of Transportation shall specify design criteria for county projects; to provide that county projects shall be approved by the Department of Transportation; to provide that any county eligible for aid under this act shall have a professional licensed county engineer; to provide that the county shall furnish project design, supervision of construction, and acquisition of right-of-way for county projects at the expense of the county; to provide that county projects shall be let to contract by the Department of Transportation; to provide that unobligated funds shall revert and be redistributed to other counties at the end of a three fiscal year period; to provide that any county road projects constructed pursuant to this act shall be maintained by the county and shall meet maintenance standards established by the Department of Transportation or further funding pursuant to this act shall be withheld; to provide that if a house bill whose purpose is to strengthen gasoline and motor fuel tax laws to eliminate fuel tax evasion does not become law, this act shall not become effective.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 749 on page 1, by deleting lines 11 and 12 in their entirety and inserting in lieu thereof the following language: "Program and establish rules and regulations therefor."

Further amend House Bill 749 on page 1, on line 19 by deleting the after the word "definitions;" the words "to create a fund in".

Further amend House Bill 749 on page 1, by deleting line 20 in its entirety.

Further amend House Bill 749 on page 1, line 21 by deleting the words "Program Fund;" and after the words "revenue for the" delete the word "fund;" and insert in lieu thereof the word "program;".

Further amend House Bill 749 on page 4, by deleting lines 20 through 24 inclusive, in their entirety and inserting in lieu thereof the following:

"Section 3. (a) There is created within the State a program to be known as the Rural Access Program.

"(b) The following revenue sources shall be allocated for use of the Rural Access Program."

Further amend House Bill 749 on page 5 by deleting lines 6 through 11 inclusive, in their entirety and inserting in lieu thereof the following language: "allocated to the Rural Access Program for allocation to the 67 counties of the state."

Further amend House Bill 749 on page 5, line 20 by deleting the word "Fund".

Further amend House Bill 749 on page 6, line 3 by deleting the words "in the" and inserting in lieu thereof the words "allocated to the".

Further amend House Bill 749 on page 6, line 4 by deleting the word "Fund".

Further amend House Bill 749 on page 6, line 11 by deleting the word "appropriated".

Further amend House Bill 749 on page 6, line 22 by deleting the words "and appropriated".

Further amend House Bill 749 on page 7, on lines 1, 2 and 7 by deleting the word "Fund" where ever it appears.

Further amend House Bill 749 on page 7, on line 2 by deleting the words "deposited into" and inserting in lieu thereof the words "allocated to".

Further amend House Bill 749 on page 7, line 4 by deleting the word "and".

Further amend House Bill 749 on page 7, line 5 by deleting the word "appropriated".

Further amend House Bill 749 on page 9, by inserting after line 24 the following new Section and renumbering all subsequent sections accordingly:

"Section 5. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated an amount equal to the funds to be allocated pursuant to this act for the fiscal year ending September 30, 1996, from the Public Road and Bridge Fund to the Department of Transportation for the implementation of the Rural Access Program."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

AMENDMENT OFFERED

Representative Haney offered the following amendment to the bill, H. 749, as amended:

On page 6, line 5, after the period insert the following: Notwithstanding the foregoing, the portion of funds all counties may receive pursuant to this subsection shall be limited to 30 percent of the total amount of the base year receipts compounded annually pursuant to subdivision (1).

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 4.

Yea:

Mr. Speaker, Allen, Black (L), Box, Burke, Carns, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-78

Nay:

Representatives Carothers, Collins, Johnson (R) and Seibenhener.

- 4

And the bill:

H. 749. Relating to county roads; to establish the Rural Access Program; to provide definitions; to describe the sources of revenue for the program; to provide the distribution and appropriation of revenues for the Rural Access Program; to provide for the use of the funds; to provide that appropriations for the Rural Access Program are capital outlay appropriations; to provide that Rural Access Program Funds shall be matched by county funds and that they may be used for a portion of the county matching share of any federally funded county projects; to provide for obligation limitations; to provide that the Transportation Director shall have sole authority to promulgate rules and regulations for the operation of the Rural Access Program; to provide that the Department of Transportation shall specify design criteria for county projects; to provide that county projects shall be approved by the Department of Transportation; to provide that any county eligible for aid under this act shall have a professional licensed county engineer; to provide that the county shall furnish project design, supervision of construction, and acquisition of right-of-way for county projects at the expense of the county; to provide that county projects shall be let to contract by the Department of Transportation; to provide that unobligated funds shall revert and be redistributed to other counties at the end of a three fiscal year period; to provide that any county road projects constructed pursuant to this act shall be maintained by the county and shall meet maintenance standards established by the Department of Trans-

portation or further funding pursuant to this act shall be withheld; to provide that if a house bill whose purpose is to strengthen gasoline and motor fuel tax laws to eliminate fuel tax evasion does not become law, this act shall not become effective.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 750, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

And the bill:

H. 750. To amend Section 18-1A-211, Code of Alabama 1975, which relates to the interest rate paid on judgments for money payment in a condemnation action, to provide that the judgments shall bear interest at the same rate as the prevailing rate paid on 52-week United States Treasury Bills and to further provide for the date of accrual.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 751, was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-83

Nay:

Representative Hall (L).

- 1

And the bill:

H. 751. Relating to the disposition of surplus personal property owned by the Alabama State Department of Transportation; to provide that the Alabama Department of Transportation may promulgate administrative rules and regulations for the disposition of the surplus personal property of the department; to provide that the Department of Transportation may sell surplus personal property at fair market value to incorporated cities, counties, volunteer fire departments, boards of education, civil defense agencies, or state departments, boards, bureaus, commissions, or agencies; to provide that the Department of Transportation shall make available surplus personal property for inspection and publish a list of all surplus personal property available to sell by the Department of Transportation; to provide for the disposition of all surplus personal property owned by the Department of Transportation with the exception of property the disposal of which is otherwise provided for by law or which, by nature, is incapable of sale by auction or bid shall be let by free and open competitive public auction or sealed bids; to provide for advertisement of the auction; to provide for certain rules and regulations concerning bidding; to provide for the method of payment for the surplus personal property sold; to provide for the disposition of the proceeds of the sales of surplus personal property; to provide that no officer or employee of the state or any of its departments, boards, commissions, institutions, corporations, or agencies shall act as an agent for any bidder; and to provide for an effective date.

was taken up.

MOTION TO CARRY OVER TABLED

On motion of Representative McDaniel, the motion offered by Representative Laird to carry over the bill, H. 751, to the twentieth legislative day was tabled.

Yeas 52; Nays 15.

Yea:

Mr. Speaker, Allen, Black (L), Box, Burke, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Hammett, Hawk, Hill, Hinshaw, Hooper, Johnson (E), Jorgensen, Knight (A), Letson, McDaniel, McMillan, Melton, Millican, Moore, Morton, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Warren, White and Willis.

Nay:

Representatives Guin, Hall (A), Hall (L), Hayden, Jackson, Knight (J), Laird, McAdory, McKee, Minnifield, Morrison, Murphree, Payne, Rogers (J) and Townsend.

-15

And the bill, H. 751, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

Nay:

Representative Laird.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 752, was adopted.

Yeas 71; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton,

Minnifield, Moore, Morton, Newton (C), Papucci, Parker (T), Penry, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-71

Nay:

Representatives Dean, Hall (A), Hinshaw, Jorgensen, Morrow, Payne, Robinson and Smith.

- 8

And the bill:

H. 752. (With Amendment): To amend Sections 32-9-5, 32-9-6, and 32-9-29 of the Code of Alabama 1975, which relates to fees, penalties, and disposition of fines and forfeitures for the operation of any truck, semitrailer truck or trailer in this state; to provide for an increase in the fees, penalties, and disposition of fines and forfeiture pertaining to trucks, semitrailer trucks, or trailers in this state.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 752 on Page 3, Line 23 and 24 by striking them in their entirety and inserting in lieu thereof the following: "forfeitures shall be credited to the state general fund. Failure, refusal, or neglect to comply"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Sanderford, Sanderson,

Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-74

Nay:

Representative Jorgensen.

- 1

AMENDMENT OFFERED

Representative Millican offered the following amendment to the bill, H. 752, as amended:

Amend H. 752 as follows: On page 2, line 18, delete all of the underlined language after the period and delete lines 19 to 25, inclusive, and on page 3, delete lines 1 to 15, inclusive, in their entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-82

MOTION TO CARRY OVER OFFERED

Representative Page offered the motion to carry over the bill, H. 752, as amended, to the twentieth legislative day.

MOTION TO TABLE LOST

The motion offered by Representative McDaniel to table the motion offered by Representative Page to carry over the bill, H. 752, as amended, to the twentieth legislative day was lost.

Yeas 32; Nays 47.

Yea:

Mr. Speaker, Black (M), Burke, Curry, Dukes, Flowers, Ford, Gipson, Hamilton, Hammett, Hawk, Hawkins, Hogan, Knight (A), Letson, Lindsey, McDaniel, McMillan, Minnifield, Morton, Newton (D), Penry, Sanderford, Seibenhener, Spratt, Starkey, Turner, Turnham, Vance, Venable, White and Wren.

-32

Nay:

Representatives Bandy, Black (L), Boyd, Carns, Carothers, Clouse, Dolbare, Gaines, Gaston, Guin, Hall (A), Hayden, Hill, Hilliard, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Maull, McAdory, McClammy, McKee, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Robinson, Rogers (J), Sims, Smith, Thomas (D), Thomas (J), Townsend, Warren and Willis.

-47

SUBSTITUTE MOTION TO TEMPORARILY CARRY OVER OFFERED

Representative Venable offered the substitute motion to temporarily carry over the bill, H. 752, as amended.

SUBSTITUTE TO SUBSTITUTE MOTION TO CARRY OVER OFFERED

Representative Hooper offered the substitute to substitute motion to carry over the bill, H. 752, as amended, to the nineteenth legislative day.

MOTION TO TABLE LOST

The motion offered by Representative Page to table the substitute to substitute motion offered by Representative Hooper to carry over the bill, H. 752, as amended, to the nineteenth legislative day was lost.

Yeas 28; Nays 52.

Yea:

Representatives Bandy, Black (M), Buskey, Dolbare, Guin, Hall (A), Hayden, Holmes, Jackson, Jorgensen, Kennedy, Knight (J), Laird, Letson, McAdory, McClammy, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Page, Parker (P), Payne, Reed, Robinson and Turner.

-28

Nay:

Mr. Speaker, Baker, Burke, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hogan, Hooper, Johnson (E), Johnson (R), Knight (A), McKee, McMillan, Moore, Morton, Newton (C), Papucci, Penry, Petelos, Pringle, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-52

H. 752 CARRIED OVER

The question was then on the substitute to substitute motion offered by Representative Hooper to carry over the bill, H. 752, as amended, to the nineteenth legislative day and the substitute to substitute motion was adopted.

Yeas 73; Nays 4.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-73

Nay:

Representatives Burke, Dolbare, Letson and Turner.

H. 748 AGAIN TAKEN UP

AMENDMENT OFFERED

Representative Lindsey offered the following amendment to the bill, H. 748, as amended:

On page 20, line 11, insert the following:

(4) Notwithstanding the foregoing provisions of this section, all motor fuel used by off-road equipment used for agricultural purposes shall be exempt from the tax imposed by this article at the time of sale.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Guin, Hall (A), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-77

Nay:

Representatives Curry, Gipson, Hawk, Hayden, Morton and Starkey.

- 6

And the bill:

H. 748. To amend sections, 40-1-44, 40-12-190, 40-12-198, 40-12-199, 40-17-1, 40-17-2, 40-17-5, 40-17-6, 40-17-7, 40-17-9, 40-17-14, 40-17-20, 40-17-22, 40-17-203, 40-17-220, and 40-17-221, to further define certain terms and clarify language therein; to further specify refund requirements; to provide for the payment of interest on refunds not processed within 90 days; and to repeal sections 40-17-3, 40-17-4, 40-17-11, 40-17-12, and 40-17-21.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 82; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-82

Nay:

Representatives Dolbare, Holmes, Knight (J), Parker (P), Payne and Thomas (D).

- 6

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Nay" on passage of the bill, H. 748, as amended.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Box offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 305.

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that when the hour of 4:15 o'clock p.m. arrives, the House adjourn to meet again at 1:00 o'clock p.m., Tuesday, June 20, 1995, was lost.

Yeas 17; Nays 68.

Yea:

Representatives Bandy, Black (L), Boyd, Buskey, Crigler, Dolbare, Holmes, Jackson, Johnson (E), Kennedy, Maull, McAdory, McClammy, Mitchell, Rogers (J), Seibenhener and Thomas (J).

-17

Nay:

Mr. Speaker, Baker, Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (J), Laird, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-68

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Box to adopt the Budget Isolation Resolution relating to the bill, H. 305, and the Budget Isolation Resolution was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-83

Nay:

Representative Holmes.

-1

And the bill:

H. 305. (With Substitute): To amend Section 11-49-80, Code of Alabama 1975, to further provide that a municipality may assume authority to control, manage, supervise, regulate, repair, maintain, and improve public streets in newly annexed areas.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Commerce, Transportation and Utilities, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 11-49-80, Code of Alabama 1975, to provide that the annexation of unincorporated territory into a municipality, after the effective date of this act, shall result in the municipality assuming responsibility to control, manage, supervise, regulate, repair, maintain, and improve all public streets or parts thereof lying within the territory annexed, under certain conditions; to provide that nothing contained within the bill shall require a municipality to assume responsibility to control, manage, supervise, regulate, repair, maintain, or improve any street or part thereof located within the territory annexed which was not being controlled, managed, supervised, regulated, repaired, maintained, and improved by the county prior to the effective date of the annexation, with certain exceptions; to provide that the responsibility for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality on the effective date of this act shall remain the responsibility of the entity responsible for such public streets or parts thereof on the effective date of this act; and to authorize a county and municipality to enter into a mutual agreement providing for an alternative arrangement for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-49-80, Code of Alabama 1975, is amended to read as follows:

"Section 11-49-80.

"(a) Where the authority to control, manage, supervise, regulate, repair, maintain, and improve ~~any~~ a street or streets or ~~any~~ part thereof lying within ~~any~~ a municipal corporation is vested in the county commission of the county within which ~~such~~ a municipal corporation is located, ~~such~~ a municipal corporation may, from time to time, resume or take over the authority to control, manage, supervise,

repair, maintain, and improve such street or streets or part thereof designated in the resolution adopted by the governing body of such a municipal corporation to resume or take over such authority.

"(b) Notwithstanding the adoption of a resolution as required in Sections 11-49-80 and 11-49-81, Code of Alabama 1975, the annexation of unincorporated territory into a municipality, after the effective date of this act, shall result in the municipality assuming responsibility to control, manage, supervise, regulate, repair, maintain, and improve all public streets or parts thereof lying within the territory annexed, provided such public streets or parts thereof were controlled, managed, supervised, regulated, repaired, maintained, and improved by the county for a period of one year prior to the effective date of the annexation. The annexation of unincorporated territory into a municipality shall also result in the municipality assuming responsibility to control, manage, supervise, regulate, repair, maintain, and improve all public streets or parts thereof lying within the territory annexed, provided such public streets or parts thereof were dedicated to, accepted by, and were controlled, managed, supervised, regulated, repaired, maintained, and improved by the county for a period of less than one year prior to the effective date of the annexation when such public streets or parts thereof were also approved upon construction by the municipal planning commission of the annexing municipality. Except as herein provided, this act shall not require a municipality to assume responsibility to control, manage, supervise, regulate, repair, maintain, or improve any street or part thereof located within the territory annexed which was not being controlled, managed, supervised, regulated, repaired, maintained, and improved by the county prior to the effective date of the annexation. Further, nothing in this act shall require a county to assume responsibility to control, manage, supervise, regulate, repair, maintain, or improve any street or part thereof located within the territory annexed which was not being controlled, managed, supervised, regulated, repaired, maintained, and improved by the county prior to the effective date of the annexation.

"(c) After the effective date of this act, when the annexation of unincorporated territory by a municipality results in a public street or part thereof which was dedicated to, accepted by, and was controlled, managed, supervised, regulated, repaired, maintained, and improved by the county for a period of one year prior to the effective date of the annexation, or for a period of less than one year prior to the effective date of the annexation when such public street or part thereof was approved upon construction by the municipal planning commission, being located outside the corporate limits of the annexing municipality while at the same time bounded on both sides by the incorporated limits of the annexing municipality, the county governing body shall consent to the annexation of such public street or part thereof by the municipality. Once consent is given by the owners of such public street or part thereof to annexation by the municipality, the municipality shall annex that portion of the public street or part thereof which is bounded on both sides by the municipal corporate limits. Once such annexation becomes effective, the municipality shall assume responsibility for the public street or part thereof as provided in subsection (b), above.

"(d) The responsibility for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality on the effective date of this act shall remain the responsibility of the entity responsible for such public streets or parts thereof on the effective date of this act.

"(e) Nothing contained in Sections 11-49-80 and 11-49-81, Code of Alabama 1975, shall prohibit a county and municipality from entering into a mutual agreement providing for an alternative arrangement for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality."

Section 2. If any section or provision of this act is declared unconstitutional, it shall not affect the remaining sections or provisions of this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-85

And the bill:

H. 305. To amend Section 11-49-80, Code of Alabama 1975, to provide that the annexation of unincorporated territory into a municipality, after the effective date of this act, shall result in the municipality assuming responsibility to control, manage, supervise, regulate, repair, maintain, and improve all public streets or parts thereof lying within the territory annexed, under certain conditions; to provide that nothing contained within the bill shall require a municipality to

assume responsibility to control, manage, supervise, regulate, repair, maintain, or improve any street or part thereof located within the territory annexed which was not being controlled, managed, supervised, regulated, repaired, maintained, and improved by the county prior to the effective date of the annexation, with certain exceptions; to provide that the responsibility for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality on the effective date of this act shall remain the responsibility of the entity responsible for such public streets or parts thereof on the effective date of this act; and to authorize a county and municipality to enter into a mutual agreement providing for an alternative arrangement for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

Nay:

Representative Holmes.

-1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 560, was adopted.

Yeas 85; Nays 0.

Yea:

Representatives Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

S. 225 SUBSTITUTED FOR H. 560

In accordance with House Rule 20 and on motion of Representative Hill, the bill, S. 225, was substituted for the bill, H. 560.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, S. 225, was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

And the bill:

S. 225. To amend Sections 5-21-2, 5-21-3, 5-21-4, 5-21-5, 5-21-7, 5-21-9, and 5-21-11 of the Code of Alabama 1975, to provide further for the plan for linked deposits administered by the Office of the State Treasurer.

was read a third time at length and passed.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

H. 560 INDEFINITELY POSTPONED

On motion of Representative Hill, the bill, H. 560, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, S. 19, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A),

Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

And the bill:

S. 19. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1993 First Special Session, 1994 Regular Session, and 1994 First Special Session of the Legislature as contained in the 1994 Cumulative Supplement to certain volumes of the Code and in the 1994 Replacement Volumes 7A, 10, and 12 of the Code; to make corrections in certain volumes of the cumulative supplement and Replacement Volume 7A; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1995 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

was read a third time at length and passed.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 293. To name the primary education fund of the state the "Education Fund" and to provide for a prospective effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Boyd, the House concurred in and adopted the Senate amendment to the bill, H. 293, said Senate amendment being as follows:

Amend H. 293 on Page 1, lines 20, 24, 28, and 31 after the word "Education" insert the word "Trust".

Further amend H. 293, on page 1, line 34, by adding the following language:

"Any and all funds for public education which are dedicated to the Alabama Special Educational Trust Fund prior to and on the effective date of this act shall continue to be deposited into the "Education Trust Fund." It is not the intent of this act to redirect the deposit or expenditure of any funds earmarked for the public schools and colleges, nor is it the intent of this act to create a new fund for public schools or colleges. It is the intent of this act only to rename the primary education trust fund of the state from the "Alabama Special Educational Trust Fund" to the "Education Trust Fund"."

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper,

Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hall (L) intended to vote "Yea" on the motion offered by Representative Boyd that the House concur in and adopt the Senate amendment to the bill, H. 293.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 748. To amend sections, 40-1-44, 40-12-190, 40-12-198, 40-12-199, 40-17-1, 40-17-2, 40-17-5, 40-17-6, 40-17-7, 40-17-9, 40-17-14, 40-17-20, 40-17-22, 40-17-203, 40-17-220, and 40-17-221, to further define certain terms and clarify language therein; to further specify refund requirements; to provide for the payment of interest on refunds not processed within 90 days; and to repeal sections 40-17-3, 40-17-4, 40-17-11, 40-17-12, and 40-17-21.

TOMMY CARTER
Chairman

And the bill, H. 748, as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Representative Guin:

H.R. 273. PETITIONING THE UNITED STATES CONGRESS TO FUND AND RETAIN THE CARBON HILL NATIONAL FISH HATCHERY.

The resolution, H.R. 273, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Joint Resolution and sends same herewith to the House:

By Senators Waggoner and Biddle:

S.J.R. 92. CREATING A JOINT LEGISLATIVE STUDY COMMITTEE TO EVALUATE THE NEEDS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 92, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Mitchell, Dial, Lindsey, Davidson, Windom, Smith, and Clay:

S.J.R. 93. COMMEMORATING THE 220TH BIRTHDAY OF THE UNITED STATES ARMY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 93, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 749. Relating to county roads; to establish the Rural Access Program; to provide definitions; to describe the sources of revenue for the program; to provide the distribution and appropriation of revenues for the Rural Access Program; to provide for the use of the funds; to provide that appropriations for the Rural Access Program are capital outlay appropriations; to provide that Rural Access Program Funds shall be matched by county funds and that they may be used for a portion of the county matching share of any federally funded county projects; to provide for obligation limitations; to provide that the Transportation Director shall have sole authority to promulgate rules and regulations for the operation of the Rural Access Program; to provide that the Department of Transportation shall specify design criteria for county projects; to provide that county projects shall be approved by the Department of Transportation; to provide that any county eligible for aid under this act shall have a professional licensed county engineer; to provide that the county shall furnish project design, supervision of construction, and acquisition of right-of-way for county projects at the expense of the county; to provide that county projects shall be let to contract by the Department of Transportation; to provide that unobligated funds shall revert and be redistributed to other counties at the end of a three fiscal year period; to provide that any county road projects constructed pursuant to this act shall be maintained by the county and shall meet maintenance standards established by the Department of Transportation or further funding pursuant to this act shall be withheld; to provide that if a house bill whose purpose is to strengthen gasoline and motor fuel tax laws to eliminate fuel tax evasion does not become law, this act shall not become effective.

TOMMY CARTER
Chairman

And the bill, H. 749, as engrossed, was ordered sent to the Senate.

ADJOURNMENT

On motion of Representative Kennedy, the House adjourned until 1:00 o'clock p.m., Tuesday, June 20, 1995.

NINETEENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, June 20, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Kelly Staliworth, Intern, Brewton, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jake McMillan, 9th Grade, St. James School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighteenth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the eighteenth legislative day was dispensed with.

RECESS

On motion of Representative Hammett, the House recessed.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 293. To name the primary education fund of the state the "Education Trust Fund" and to provide for a prospective effective date.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 305. To amend Section 11-49-80, Code of Alabama 1975, to provide that the annexation of unincorporated territory into a municipality, after the effective date of this act, shall result in the municipality assuming responsibility to control, manage, supervise, regulate, repair, maintain, and improve all public streets or parts thereof lying within the territory annexed, under certain conditions; to provide that nothing contained within the bill shall require a municipality to assume responsibility to control, manage, supervise, regulate, repair, maintain, or improve any street or part thereof located within the territory annexed which was not being controlled, managed, supervised, regulated, repaired, maintained, and improved by the county prior to the effective date of the annexation, with certain exceptions; to provide that the responsibility for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality on the effective date of this act shall remain the responsibility of the entity responsible for such public streets or parts thereof on the effective date of this act; and to authorize a county and municipality to enter into a mutual agreement providing for an alternative arrangement for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality.

TOMMY CARTER
Chairman

And the bill, H. 305, as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Representative Hammett:

H.J.R. 274. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, June 29, 1995, they adjourn to meet again on Tuesday, July 11, 1995, and when they adjourn on Tuesday they adjourn to meet again on Wednesday, July 12, 1995, and when they adjourn on Wednesday they adjourn to meet again on Thursday, July 13, 1995.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 274, was adopted.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Wednesday, June 21, 1995, and the motion was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 275. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 19th legislative day, Tuesday, June 20, 1995, taking precedence over the regular order of business or any pending or unfinished business:

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

And the following bills:

Inst Id	Page
H. 703 - By Hinshaw	94
Huntsville, corp. limits alt. to deannex cert. property	

Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

**REGULAR SESSION
19th Day**

1687

And the following bills:

Inst Id	Page
H. 178 - By Drake	123
Motor vehicle license plates, Alabama Lions Club, distinctive plates, distrib. of funds, duties to Revenue Dept.	
H. 454 - By Haney (As Amended)	63
Habitat for Humanity Organizations, sales and use tax exempt	
H. 87 - By Parker (P)	53
Educational facilities constructed without state funds exempted from authority of the State Building Commission, Sec. 41-9-141 am'd.	
H. 206 - By Dukes	19
Military, leave of absence with pay, converted from 21 days to 168 hours, Sec. 31-2-13 am'd.	
H. 359 - By Morrison (As Amended)	27
Schools, lunch and breakfast program, Alabama Child Nutrition Law, estab., admin. by St. Bd. of Ed. and St. Supt. of Ed.	
H. 330 - By Carns (As Substituted)	39
Professional geologists, lic. regulated, bd. estab., approp.	
H. 525 - By Hawk	49
Child placement, ct. to make specific findings re best interests of child, reasonable efforts, Sec. 12-15-65 am'd.	
H. 566 - By Burke	72
Motor vehicles, accident reports and security documentation provided to Director of Public Safety, Secs. 32-7-5, 32-7-6 am'd.	

H. 712 - By Hall (L) (As Amended) 103

Osteoporosis Prevention and Treatment Education Act,
administered by the State Health Dept.

H. 638 - By Dolbare 74

Washington Co., cert. co. officers auth. to join Employees'
Retirement System, supernumeraries abolished, const.
amend.

H. 691 - By Hooper (As Amended) 84

Signs, adjacent to highways and streets, owner compensated
for removal of signs under cert. conditions, Sec. 23-1-280
am'd.

The following business, in the order set forth below, shall be made the special and paramount continuing order of business following the foregoing limited debate bills, beginning the 19th legislative day, Tuesday, June 20, 1995, and continuing on the 20th legislative day, Wednesday, June 21, 1995. The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

Inst Id	Page
H. 693 - By Fuller	90
Comptroller, state warrants, time for payment and time for claim reduced to one year, Sec. 41-4-60 am'd.	
H. 235 - By Fuller (As Amended and Substituted)	110
Education budget, appropriation for support, maintenance, and development of public education	
H. 237 - By Fuller (As Substituted)	110
Sickle Cell Education Program, approp.	
H. 238 - By Fuller (As Substituted)	111
Health Dept., approp.	
H. 239 - By Fuller (As Substituted)	111
Health Dept., approp.	

**REGULAR SESSION
19th Day**

1689

H. 240 - By Fuller	112
Governor's Commission on Physical Fitness, approp.	
H. 241 - By Fuller (As Substituted)	112
Rehabilitation Services Dept., approp.	
H. 242 - By Haney	113
Space Science Exhibit Commission, approp.	
H. 244 - By Knight (J)	113
Youth Services Dept., approp.	
H. 245 - By Fuller	114
Coosa Valley Medical Center School of Nursing, approp.	
H. 246 - By Turnham	114
Lyman Ward Military Academy, approp.	
H. 247 - By Fuller	115
Marion Military Institute, approp.	
H. 249 - By Thomas (J)	115
Talladega College, approp.	
H. 250 - By Fuller	116
Tuskegee University, approp.	
H. 251 - By Kennedy	116
AIDS Task Force of Alabama, Inc., approp.	
H. 252 - By Turnham	116
Camp ASCCA, approp.	
H. 253 - By Thomas (J)	117
Black Belt Human Resource Development Center, approp.	

H. 254 - By Parker (T) (As Amended)	117
United Cerebral Palsy of Alabama, United Cerebral Palsy Dev. Center, United Cerebral Palsy, Huntsville, Mobile; Cerebral Palsy Housing Foundation, Simpson-May Cerebral Palsy Center, approp.	
H. 255 - By Fuller (As Substituted)	118
Children's Hospital, Birmingham, approp.	
H. 256 - By Kennedy	118
Children's and Women's Hospital, Mobile, approp.	
H. 257 - By Haney (As Substituted)	119
Kate Duncan Smith DAR School, approp.	
H. 259 - By Turnham	119
East Alabama Child Development Center, approp.	
H. 260 - By Rogers (J)	120
Epilepsy Foundation of Alabama, approp.	
H. 261 - By Starkey	120
Helen Keller Eye Research Foundation, approp.	
H. 262 - By Knight (J)	121
Central Alabama Opportunities Industrialization Center, approp.	
H. 264 - By Knight (J)	121
YMCA Youth and Government, approp.	
H. 784 - By Kennedy	122
League for Advancement of Education, approp.	

MOTION TO ADOPT

Representative Carter offered the motion to adopt the resolution, H.R. 275.

SUBSTITUTE OFFERED

Representative Hall (L) offered the following substitute to the resolution, H.R. 275:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 19th legislative day, Tuesday, June 20, 1995, taking precedence over the regular order of business or any pending or unfinished business:

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 178 - By Drake	123
Motor vehicle license plates, Alabama Lions Club, distinctive plates, distrib. of funds, duties to Revenue Dept.	
H. 454 - By Haney (As Amended)	63
Habitat for Humanity Organizations, sales and use tax exempt	
H. 87 - By Parker (P)	53
Educational facilities constructed without state funds exempted from authority of the State Building Commission, Sec. 41-9-141 am'd.	
H. 206 - By Dukes	19
Military, leave of absence with pay, converted from 21 days to 168 hours, Sec. 31-2-13 am'd.	

H. 359 - By Morrison (As Amended) 27

Schools, lunch and breakfast program, Alabama Child Nutrition Law, estab., admin. by St. Bd. of Ed. and St. Supt. of Ed.

H. 330 - By Carns (As Substituted) 39

Professional geologists, lic. regulated, bd. estab., approp.

H. 525 - By Hawk 49

Child placement, ct. to make specific findings re best interests of child, reasonable efforts, Sec. 12-15-65 am'd.

H. 566 - By Burke 72

Motor vehicles, accident reports and security documentation provided to Director of Public Safety, Secs. 32-7-5, 32-7-6 am'd.

H. 712 - By Hall (L) (As Amended) 103

Osteoporosis Prevention and Treatment Education Act, administered by the State Health Dept.

H. 638 - By Dolbare 74

Washington Co., cert. co. officers auth. to join Employees' Retirement System, supernumeraries abolished, const. amend.

H. 691 - By Hooper (As Amended) 84

Signs, adjacent to highways and streets, owner compensated for removal of signs under cert. conditions, Sec. 23-1-280 am'd.

The following business, in the order set forth below, shall be made the special and paramount continuing order of business following the foregoing limited debate bills, beginning the 19th legislative day, Tuesday, June 20, 1995, and continuing on the 20th legislative day, Wednesday, June 21, 1995. The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

**REGULAR SESSION
19th Day**

1693

Inst Id	Page
H. 693 - By Fuller	90
Comptroller, state warrants, time for payment and time for claim reduced to one year, Sec. 41-4-60 am'd.	
H. 235 - By Fuller (As Amended and Substituted)	110
Education budget, appropriation for support, maintenance, and development of public education	
H. 237 - By Fuller (As Substituted)	110
Sickle Cell Education Program, approp.	
H. 238 - By Fuller (As Substituted)	111
Health Dept., approp.	
H. 239 - By Fuller (As Substituted)	111
Health Dept., approp.	
H. 240 - By Fuller	112
Governor's Commission on Physical Fitness, approp.	
H. 241 - By Fuller (As Substituted)	112
Rehabilitation Services Dept., approp.	
H. 242 - By Haney	113
Space Science Exhibit Commission, approp.	
H. 244 - By Knight (J)	113
Youth Services Dept., approp.	
H. 245 - By Fuller	114
Coosa Valley Medical Center School of Nursing, approp.	
H. 246 - By Turnham	114
Lyman Ward Military Academy, approp.	

H. 247 - By Fuller	115
Marion Military Institute, approp.	
H. 249 - By Thomas (J)	115
Talladega College, approp.	
H. 250 - By Fuller	116
Tuskegee University, approp.	
H. 251 - By Kennedy	116
AIDS Task Force of Alabama, Inc., approp.	
H. 252 - By Turnham	116
Camp ASCCA, approp.	
H. 253 - By Thomas (J)	117
Black Belt Human Resource Development Center, approp.	
H. 254 - By Parker (T) (As Amended)	117
United Cerebral Palsy of Alabama, United Cerebral Palsy Dev. Center, United Cerebral Palsy, Huntsville, Mobile; Cerebral Palsy Housing Foundation, Simpson-May Cerebral Palsy Center, approp.	
H. 255 - By Fuller (As Substituted)	118
Children's Hospital, Birmingham, approp.	
H. 256 - By Kennedy	118
Children's and Women's Hospital, Mobile, approp.	
H. 257 - By Haney (As Substituted)	119
Kate Duncan Smith DAR School, approp.	
H. 259 - By Turnham	119
East Alabama Child Development Center, approp.	

**REGULAR SESSION
19th Day**

1695

H. 260 - By Rogers (J) 120

Epilepsy Foundation of Alabama, approp.

H. 261 - By Starkey 120

Helen Keller Eye Research Foundation, approp.

H. 262 - By Knight (J) 121

Central Alabama Opportunities Industrialization Center,
approp.

H. 264 - By Knight (J) 121

YMCA Youth and Government, approp.

H. 784 - By Kennedy 122

League for Advancement of Education, approp.

SUBSTITUTE TABLED

On motion of Representative Hall (A), the substitute offered by Representative Hall (L) to the resolution, H.R. 275, was tabled.

Yeas 26; Nays 14.

Yea:

Mr. Speaker, Carothers, Dean, Ford, Galliher, Guin, Hall (A), Haney, Hill, Hinshaw, Hogan, Johnson (R), Jorgensen, Laird, McDaniel, McKee, Millican, Papucci, Pringle, Robinson, Sanderford, Sims, Thomas (D), Warren, White and Willis.

-26

Nay:

Representatives Bandy, Boyd, Buskey, Clark (W), Houston, Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Newton (D), Perdue and Spratt.

-14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Hall (L) offered the following amendment to the resolution, H.R. 275:

On page 1, delete lines 15 to 17, inclusive, in their entirety.

AMENDMENT TABLED

On motion of Representative Hall (A), the amendment offered by Representative Hall (L) to the resolution, H.R. 275, was tabled.

Yeas 21; Nays 19.

Yea:

Representatives Allen, Carothers, Ford, Gaines, Guin, Hall (A), Hamilton, Haney, Hinshaw, Hogan, Johnson (R), Jorgensen, Millican, Morrow, Page, Papucci, Robinson, Sanderford, Sims, Warren and Willis.

-21

Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Hayden, Hilliard, Holmes, Houston, Jackson, Knight (J), McAdory, McClammy, Melton, Mitchell, Newton (D), Perdue and Spratt.

-19

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Perdue offered the following amendment #1 to the resolution, H.R. 275:

On page 1, delete lines 15 to 17, inclusive, in their entirety.

On page 6, line 7, insert the following:

Inst Id

H. 703 - By Hinshaw

Huntsville, corp. limits alt. to deannex cert. property

MOTION TO TABLE LOST

The motion offered by Representative Hall (A) to table the amendment #1 offered by Representative Perdue to the resolution, H.R. 275, was lost.

Yeas 19; Nays 23.

Yea:

Representatives Dean, Gaines, Galliher, Guin, Hall (A), Haney, Hill, Hinshaw, Hogan, Jorgensen, Morrow, Page, Papucci, Robinson, Sanderford, Sanderson, Sims, Thomas (D) and Willis.

-19

Nay:

Representatives Bandy, Boyd, Buskey, Clark (W), Fuller, Hall (L), Hayden, Hilliard, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Maull, McAdory, McClammy, Minnifield, Mitchell, Newton (D), Perdue, Rogers (J), Spratt and Thomas (J).

-23

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO TABLE LOST

The motion offered by Representative Hall (A) to table the amendment #1 offered by Representative Perdue to the resolution, H.R. 275, was lost.

Yeas 15; Nays 23.

Yea:

Representatives Guin, Hall (A), Haney, Hill, Hinshaw, McDaniel, McKee, Moore, Morrow, Papucci, Sanderford, Sanderson, Seibenhener, Sims and Willis.

-15

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Perdue, Rogers (J), Spratt and Thomas (J).

-23

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT LOST

The question was then on the adoption of the amendment #1 offered by Representative Perdue to the resolution, H.R. 275, and the amendment was lost, lacking a three-fifths vote.

Yeas 22; Nays 21.

Yea:

Representatives Bandy, Black (L), Boyd, Buskey, Clark (W), Fuller, Hall (L), Hayden, Hilliard, Houston, Jackson, Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Mitchell, Newton (D), Rogers (J), Spratt and Thomas (J).

-22

Nay:

Representatives Clouse, Dean, Galliher, Guin, Hall (A), Haney, Hill, Hinshaw, Hogan, Jorgensen, Laird, Moore, Morrow, Newton (C), Papucci, Sanderford, Sanderson, Seibenhener, Sims, Thomas (D) and Willis.

-21

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Perdue offered the following amendment #2 to the resolution, H.R. 275:

Amend H.R. 275 on Page 1 by deleting Lines 15, 16 & 17 in their entirety and insert same on page 6, line 1

AMENDMENT TABLED

On motion of Representative Hall (A), the amendment #2 offered by Representative Perdue to the resolution, H.R. 275, was tabled.

Yeas 24; Nays 19.

Yea:

Representatives Carothers, Clouse, Ford, Gaines, Hall (A), Haney, Hill, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), McKee, Millican, Moore, Morrow, Papucci, Robinson, Sanderford, Seibenhener, Sims, Townsend, Turner and Willis.

-24

Nay:

Representatives Bandy, Black (L), Boyd, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Perdue, Rogers (J) and Spratt.

-19

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION IN WRITING OFFERED

Representative Turner offered the following Motion in Writing relating to the resolution, H.R. 275:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 28; Nays 21.

Yea:

Representatives Carothers, Clouse, Curry, Dean, Dukes, Gaines, Galliher, Hall (A), Haney, Hill, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Layson, Moore, Morrow, Page, Papucci, Rogers (M), Sanderford, Seibenhener, Sims, Thomas (D), Townsend, Turner and Willis.

-28

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Perdue, Reed, Rogers (J) and Spratt.

-21

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SUBSTITUTE OFFERED

Representative Kennedy offered the following substitute to the resolution, H.R. 275:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 19th legislative day, Tuesday, June 20, 1995, taking precedence over the regular order of business or any pending or unfinished business:

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

And the following bills:

The following business, in the order set forth below, shall be made the special and paramount continuing order of business following the foregoing limited debate bills, beginning the 19th legislative day, Tuesday, June 20, 1995, and continuing on the 20th legislative day, Wednesday, June 21, 1995. The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

Inst Id	Page
H. 693 - By Fuller	90
Comptroller, state warrants, time for payment and time for claim reduced to one year, Sec. 41-4-60 am'd.	
H. 235 - By Fuller (As Amended and Substituted)	110
Education budget, appropriation for support, maintenance, and development of public education	

H. 237 - By Fuller (As Substituted)	110
Sickle Cell Education Program, approp.	
H. 238 - By Fuller (As Substituted)	111
Health Dept., approp.	
H. 239 - By Fuller (As Substituted)	111
Health Dept., approp.	
H. 240 - By Fuller	112
Governor's Commission on Physical Fitness, approp.	
H. 241 - By Fuller (As Substituted)	112
Rehabilitation Services Dept., approp.	
H. 242 - By Haney	113
Space Science Exhibit Commission, approp.	
H. 244 - By Knight (J)	113
Youth Services Dept., approp.	
H. 245 - By Fuller	114
Coosa Valley Medical Center School of Nursing, approp.	
H. 246 - By Turnham	114
Lyman Ward Military Academy, approp.	
H. 247 - By Fuller	115
Marion Military Institute, approp.	
H. 249 - By Thomas (J)	115
Talladega College, approp.	
H. 250 - By Fuller	116
Tuskegee University, approp.	

**REGULAR SESSION
19th Day**

1703

H. 251 - By Kennedy 116

AIDS Task Force of Alabama, Inc., approp.

H. 252 - By Turnham 116

Camp ASCCA, approp.

H. 253 - By Thomas (J) 117

Black Belt Human Resource Development Center, approp.

H. 254 - By Parker (T) (As Amended) 117

United Cerebral Palsy of Alabama, United Cerebral Palsy
Dev. Center, United Cerebral Palsy, Huntsville, Mobile;
Cerebral Palsy Housing Foundation, Simpson-May Cerebral
Palsy Center, approp.

H. 255 - By Fuller (As Substituted) 118

Children's Hospital, Birmingham, approp.

H. 256 - By Kennedy 118

Children's and Women's Hospital, Mobile, approp.

H. 257 - By Haney (As Substituted) 119

Kate Duncan Smith DAR School, approp.

H. 259 - By Turnham 119

East Alabama Child Development Center, approp.

H. 260 - By Rogers (J) 120

Epilepsy Foundation of Alabama, approp.

H. 261 - By Starkey 120

Helen Keller Eye Research Foundation, approp.

H. 262 - By Knight (J) 121

Central Alabama Opportunities Industrialization Center,
approp.

H. 264 - By Knight (J) 121

YMCA Youth and Government, approp.

H. 784 - By Kennedy 122

League for Advancement of Education, approp.

MOTION TO TABLE LOST

The motion offered by Representative Hall (A) to table the substitute offered by Representative Kennedy to the resolution, H.R. 275, was lost.

Yeas 21; Nays 28.

Yea:

Representatives Carns, Dukes, Hall (A), Haney, Hawkins, Hill, Hinshaw, Hogan, Jorgensen, McKee, Moore, Morrow, Page, Papucci, Robinson, Sanderford, Seibenhener, Sims, Thomas (D), Turner and Willis.

-21

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Carter, Clark (W), Ford, Fuller, Hall (L), Hayden, Hilliard, Houston, Jackson, Kennedy, Knight (J), Laird, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Perdue, Reed, Rogers (J), Spratt and Thomas (J).

-28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SUBSTITUTE LOST

The question was then on the adoption of the substitute offered by Representative Kennedy to the resolution, H.R. 275, and the substitute was lost, lacking a three-fifths vote.

**REGULAR SESSION
19th Day**

1705

Yeas 33; Nays 26.

Yea:

Representatives Bandy, Black (L), Boyd, Buskey, Carns, Carter, Clark (W), Ford, Fuller, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Maul, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Perdue, Reed, Rogers (J), Spratt, Thomas (J), Townsend, Warren and Willis.

-33

Nay:

Representatives Clouse, Dean, Galliher, Hall (A), Hamilton, Haney, Hill, Hinshaw, Hogan, Johnson (R), Laird, Layson, McKee, Millican, Morrison, Morrow, Page, Papucci, Pringle, Robinson, Sanderford, Sanderson, Sims, Thomas (D), Turner and Wren.

-26

RESOLUTION ADOPTED

The question was then on the motion offered by Representative Carter to adopt the resolution, H.R. 275, and the resolution was adopted.

Yeas 54; Nays 12.

Yea:

Representatives Burke, Carns, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Flowers, Ford, Galliher, Gaston, Graham, Guin, Hall (A), Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Laird, Layson, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Warren and Willis.

-54

Nay:

Representatives Bandy, Fuller, Hall (L), Holmes, Jackson, Johnson (E), Kennedy, Knight (J), McClammy, Mitchell, Newton (D) and Perdue.

-12

BILLS ON SECOND READING

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 384. To create the Alabama Real Estate Investment Trust Act; to provide for the formation and operation of real estate investment trusts in Alabama; to provide for merger and consolidation of domestic and foreign entities with and into domestic real estate investment trusts; to provide for filing and certifying fees; and to provide for the treatment of corporations qualifying as real estate investment trusts.

S. 434. To amend Sections 22-18-1, 22-18-3 to 22-18-6, inclusive, Code of Alabama 1975, to conform to the Administrative Procedure Act rulemaking procedures with respect to emergency medical services; to reduce the licensure period for emergency medical technicians and ambulance drivers from three to two years, and to reduce the fee for such licenses from \$15.00 to \$10.00; to clarify language in existing code provisions relating to licensure of emergency medical technicians, ambulance operators, and ambulance drivers; to alter and expand the membership of the existing state emergency medical services advisory board, and to alter and clarify certain of its procedures; to eliminate current criminal penalties for violations of emergency medical services laws and to substitute new more specific provisions; to provide for the revocation of licenses for ambulance drivers, emergency medical technicians, and ambulance operators, to establish the specific grounds leading to adverse licensure action, and to conform such licensure procedures to the Alabama Administrative Procedure Act; to provide for the use of advanced life support procedures by emergency medical technicians and to permit properly staffed emergency vehicles to be equipped with drugs, fluids, and advanced life support equipment; to establish a state emergency medical control committee to advise the board of health; to clarify that the board of health, in fulfilling its responsibilities under the act, must in all cases conform its activities to the Administrative Procedure Act; to clarify that fire suppression activities and non-transport basic life support emergency medical services response of volunteer fire departments shall not be regulated by the board of health; and for other purposes.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 611. (With Substitute) (With Amendments): To provide for the Alabama Mental Health Consumers' Rights Act.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 815. To amend Section 13A-11-77 of the Code of Alabama 1975, relating to the regulation of sales and purchases of pistols, to provide for the destruction of original and copies of applications to purchase pistols; to require the chief of police and sheriff to make an accounting to the Director of Public Safety and require the Director of Public Safety to make an accounting to the Governor of the destruction of applications to purchase pistols; to amend Section 13A-11-78 of the Code of Alabama 1975, relating to dealer's licenses for the sale of pistols, to require licensed dealers in firearms to certify the destruction of triplicate copies of application forms and statements and purchase records of pistols; and to require certain local authorities to notify dealers of this law; and to amend Section 13A-11-79 of the Code of Alabama 1975, relating to sale and reporting procedures by seller of pistols and the records check of the purchaser, to require the destruction of any pistol permit application statements, or records relating to purchases and sales of pistols; and to require accountability of the destruction of pistol permit applications statements, and records of purchases and sales of pistols to the Secretary of State and to the Governor by certain law enforcement officials.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 18. (With Amendment): Proposing an amendment to Section 46 of the Constitution of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 754. (With Amendment): To amend Section 22-21-265 of the Code of Alabama 1975, relating to the certificate of need process for new institutional health services and providing an exemption for an increase in the bed number by a skilled nursing facility or intermediate care facility under certain conditions; to ratify certain actions taken by the State Health Planning and Development Agency; and to specify rounding of certain occupancy rates to the nearest whole number.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 807. (With Substitute): To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of probate judge, and to provide for an effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 598. To amend Section 28-3-11, Code of Alabama 1975, relating to the export of alcoholic beverages to another state to specifically exempt alcoholic beverages purchased from the Alcoholic Beverage Control Board for export to another country from taxes collected by the board.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 593. (With Substitute): To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-7, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 260. Relating to trusts, providing further for the powers of trustees of express trusts created by trust instrument, without court authorization, in the absence of contrary provisions of the trust instrument; providing for the termination of certain small trusts by action of the trustee where the trustee determines that continued administration of the trust would be too costly; providing for certain discretionary actions that a trustee who is also a beneficiary of an express trust may not take in the absence of a specific authorization in the trust instrument; providing that if two or more persons are appointed co-trustees, acts in connection with the administration of the trust requires the concurrence of all co-trustees except in certain specified instances and except where the trust instrument otherwise provides; providing for the payment out of the trust estate of the expenses of the trustee in defending or prosecuting proceedings in good faith; providing that the provisions of the act shall apply to all trusts whether created before or after the effective date of the act but only as to decisions or actions occurring after the effective date of the act, and providing for the affirmative election by certain parties in interest to render certain provisions of the act inapplicable to trusts created before the effective date of the act; providing for the repeal of all laws or parts of laws in conflict with the act; providing that the provisions of the act are severable; and providing for an effective date.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 666. (With Substitute): Relating to Marengo County; to amend Section 2 of Act No. 19, H. 227 of the 1978 Regular Session (Acts 1978, p. 84), providing that the compensation of deputies of the Marengo County Sheriff's Department would be based on the compensation of state troopers; to further provide that the compensation of the deputies would include cost-of-living raises received by state troopers.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 771. To alter or rearrange the boundary lines of the Town of Fort Deposit, Lowndes County, Alabama, so as to include within the corporate limits of the said Town of Fort Deposit all territory now within such corporate limits and also certain other territory contiguous thereto, in Lowndes County, Alabama.

H. 781. To authorize the Baldwin County Commission and any municipality located in Baldwin County to contract for the administration and enforcement by a designee of any tax or license levied in the county.

H. 782. To prohibit the Building Official of Baldwin County, Alabama, from issuing a building permit for construction of improvements which use certain clays and other materials which are potentially discoloring to the natural white sands and waters in certain areas of the county.

S. 476. Relating to the Etowah County Commission; establishing and defining boundaries of the single-member district county governing body, pursuant to the Joint Remedy Proposal, in the court order dated January 30, 1995, and related orders, in Civil Action No. 89-T-459-E in the United States District Court for the Middle District of Alabama, Eastern Division, in the case of Presley et al v. Etowah County Commission; relating to budgetary and expenditure matters for roads and bridges; relating to duties of the commissioners and the county road supervisor; providing for the chair of the commission; and providing that commissioners shall be on a part-time status; providing for the compensation and expenses of the commissioners; and repealing conflicting laws.

Representatives Petelos and Minnifield, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 682. To authorize any Class 1 municipality to grant pension benefit increases to participants in former municipality retirement systems and to provide for related matters.

H. 808. Relating to Jefferson County; levying an additional one percent lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau for the promotion of Birmingham and Jefferson County as a convention, sports event, and visitors' destination.

H. 756. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hoover, in Jefferson County.

H. 758. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hoover, in Jefferson County.

H. 796. To repeal Act No. 93-927, H. 52, First Special Session 1993 (First Special Session Acts 1993, p. 245), which relates to procedures for converting prior service to creditable service in the retirement system in Jefferson County.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Carter:

H. 825. To require cemeteries to post price lists for burial services and merchandise; to prohibit the use of misleading statements in the sale of cemetery property, burial lots, burial rights, burial services, or burial merchandise; and to provide criminal penalties.

COMMITTEE ON SMALL BUSINESS

By Representative Hill (With Notice and Proof):

H. 826. Relating to Shelby County; providing for an additional expense allowance for the tax assessor and tax collector; and providing an expiration date.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 826, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Collins (With Notice and Proof):

H. 827. Relating to Lamar County; creating the Lamar County Economic Development Authority to promote economic growth and development of Lamar County and the municipalities of Beaverton, Detroit, Kennedy, Millport, Sulligent, and Vernon, and other like governing bodies.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 827, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (P) (With Notice and Proof):

H. 828. Relating to Morgan County; providing for the county commission to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors, mistakes, or omissions made in good faith, not to exceed a certain maximum per annum; and providing that the funds shall be payable from the county general fund.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 828, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (P) (With Notice and Proof):

H. 829. Relating to Morgan County; amending Section 3 of Act No. 380, S. 556, 1976 Regular Session (Acts 1976, p. 480), relating to the membership of the Morgan County Board of Education and filling of vacancies on the board; providing that vacancies occurring during the first 16 months of the term of the member shall be filled by election rather than by appointment of the remaining board members; providing for interim appointments; and providing for the effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 829, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (P):

H. 830. To propose a local constitutional amendment to the Constitution of Alabama of 1901, to provide that the Legislature may, by local law, provide for the manner of filling vacancies on the Morgan County Board of Education.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Flowers (With Notice and Proof):

H. 831. Relating to redeeming lands for taxes in Pike County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 831, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Fuller:

H. 832. To make an appropriation of \$75,000 from the Alabama Special Educational Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1996, and to require an audited financial statement and operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Baker, Seibenhener, Clouse, and Carothers (With Notice and Proof):

H. 833. Relating to law enforcement in Houston County; to further amend Sections I and II of Act No. 671, 1967 Regular Session (Acts 1967, p. 1495), relating to the issuance of pistol permits in Houston County, to provide further for permit fees and distribution of the fees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 833, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Minnifield and Johnson (E) (With Notice and Proof):

H. 834. Relating to Jefferson County and to counties having a population of not less than 600,000 according to the last Federal Decennial Census; authorizing the county commission to levy an excise tax on the business of selling, distributing, storing, or withdrawing from storage, for any purpose whatsoever, gasoline and motor fuel and substitutes in the county at certain rates; to require the levy of the tax when requested by municipalities having more than 50 percent of the county's population; to provide for the procedures for the collection of the tax levied and for the distribution of 70 percent of the tax proceeds to the public transit authority serving the county and 30 percent to the county and municipalities therein on a population basis; to provide for uses of the tax proceeds by the recipients thereof and to provide for the rules and regulations adopted by the county commission respecting the collection and enforcement of the tax levied; to provide that the distribution of the share of tax proceeds to the public transit authority shall satisfy existing statutory requirements for the county and the municipalities to make certain contributions to the public transit authority from other county and municipal revenues under Act 87-449, H. 543 of the 1987 Regular Session (Acts 1987, p. 663); and to supersede the provisions of Section 7 of Act No. 993, H. 1089 of the 1971 Regular Session (Acts 1971, p. 1787), as amended by Act No. 204, H. 54 of the 1971 Third Special Session (Acts 1971, p. 4472) and by Act No. 329, H. 820 of the 1973 Regular Session (Acts 1973, p. 459), respecting the number and manner of appointment of Directors of the

Birmingham-Jefferson Transit Authority, or any other transit authority created under Act No. 993, H. 1087 of the 1971 Regular Session, as amended, to provide for the restructuring of the board of directors of the public transit authority recipient of the tax proceeds effective upon the levy of the tax at the request of the municipalities as provided in this act.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 834, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Starkey:

H. 835. To exempt the Rainbow Omega, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Reed:

H. 836. To reopen the Employees' Retirement system to allow certain members of the system to purchase credit for prior service rendered with the Auburn University Extension Service.

COMMITTEE ON WAYS AND MEANS

By Representative Parker (T):

H. 837. This bill amends Section 16-5-8 of the Code of Alabama 1975 to give the Alabama Commission on Higher Education the statutory authority to establish minimum productivity standards concerning the viability of programs offered by public two-year and four-year institutions. This bill requires institutions to file an annual report to the Alabama Commission on Higher Education which will specify the institutions intentions concerning any program deemed non-viable based on these standards. The institution must include in the report plans to voluntarily terminate the non-viable program or an explanation of the rational for continuing the non-viable program. This bill also establishes a Permanent Joint Interim Legislative Committee for Appeals on Higher Education to consider appeals from institutions concerning a decision by the Commission as to the minimum productivity standards for viable programs.

COMMITTEE ON WAYS AND MEANS

By Representative Turner (With Notice and Proof):

H. 838. Relating to the Thirteenth Judicial Circuit of Alabama in Mobile County; authorizing the district attorney to establish a Recovery Unit within the Special Services Division as authorized by Section 12-17-24 of the Code of Alabama 1975; providing for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crimes, fines for failure to appear in the court, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; providing for a collection fee; providing funds for a new recovery unit; and providing for a fund to assist in the implementation of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 838, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Gipson (With Notice and Proof):

H. 839. Relating to Autauga County; to levy and collect an eight mill countywide ad valorem tax and a one cent countywide sales tax for education, improvement of unpaved roads, courthouse complex facilities, volunteer fire departments, and for Prattville, Autaugaville, and Billingsley.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 839, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turnham (With Notice and Proof):

H. 840. Relating to Lee County; to establish a Motor Vehicle License Division to process motor vehicle title and license applications, transfers and renewals and boat registration; to provide for assessment and collection of motor vehicle ad valorem taxes; to provide for authority to collect and remit license fees, taxes, and monies due to the State of Alabama and the county; to provide for the optional mail order processing of license renewals and issuance with accompanying mail fees; to provide for the collection of sales taxes on used motor vehicles sold by non-dealers; to provide for the requirement of proof of payment of any federal highway use taxes due before issuing licenses; to provide for the election of a Motor Vehicle License Commissioner to administer the Motor Vehicle License Division; to require the commissioner to obtain an adequate bond; to

provide for transferring all of the duties, responsibilities, and enforcement of motor vehicle licensing, ad valorem tax assessment and collection as well as enforcement otherwise under authority of the judge of probate, tax assessor, tax collector, and license inspector, to the Motor Vehicle License Division and the license commissioner; and to provide that the act shall become operative upon voter approval of a separate act establishing the Office of Revenue Commissioner of Lee County.

COMMITTEE ON LOCAL LEGISLATION NO. 8

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 840, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turnham (With Notice and Proof):

H. 841. Relating to Lee County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and provide that the substantive provisions of the act shall become effective on approval of the electors.

COMMITTEE ON LOCAL LEGISLATION NO. 8

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 841, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Rogers (M), Gaines, Hill, Knight (A), Thomas (D), Curry, Sanderson, Petelos, and Laird:

H. 842. To provide that the term "physician" as used in the Alabama Rules of Civil Procedure providing for the use of the deposition of a physician in court proceedings in a civil action shall include a Doctor of Chiropractic Medicine.

COMMITTEE ON JUDICIARY

By Representatives McMillan and Penry (With Notice and Proof):

H. 843. Relating to Baldwin County; to provide for the regulation of certain wastewater treatment utilities by the Baldwin County Commission; to provide for inspection and supervision fees relating to the regulation; and to provide for civil enforcement of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 843, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McMillan and Penry:

H. 844. To amend Sections 12-11-30 and 12-12-31, Code of Alabama 1975, to further provide for the dollar amount of the jurisdiction of the small claims docket of the district court.

COMMITTEE ON JUDICIARY

By Representatives McMillan and Penry:

H. 845. To amend Section 32-5B-5 of the Code of Alabama 1975, relating to the penalty for violating the seat belt law; to provide that court costs will not be assessed.

COMMITTEE ON JUDICIARY

By Representatives Laird, Willis, Hamilton, Layson, Haney, Flowers, McMillan, Johnson (R), Rogers (M), Seibenhener, Hooper, Sims, McKee, Drake, Dean, Gaines, Thomas (D), Morton, Papucci, Allen, Fuller, Clark (J), Sanderson, and Wren:

H. 846. To amend Section 15-22-36 of the Code of Alabama 1975, relating to the granting of pardons and paroles; to provide that a pardon may be granted with the written approval of the Governor.

COMMITTEE ON STATE ADMINISTRATION

By Representative Townsend:

H. 847. To amend Section 32-1-4 of the Code of Alabama 1975, relating to the circumstances where appearance before a magistrate is not required upon arrest for a traffic offense; to provide that a person arrested for a traffic violation punishable as a misdemeanor would be required to appear before a magistrate in

certain cases where the person is not validly licensed or whose identity cannot be established by the arresting officer.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Curry and Fuller:

H. 848. To create the Alabama Drug Education and Awareness Oversight Council; to provide for membership, powers, and functions of the council; to provide for grants for drug education and awareness programs from state appropriations; and to provide for assistance to the council.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (C) (With Notice and Proof):

H. 849. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Georgiana in Butler County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 849, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Dolbare and Turner:

H. 850. To amend Section 12-17-142 of the Code of Alabama 1975, relating to supernumerary clerks and registers and contributions to the Clerks' and Registers' Supernumerary Fund; to provide further for surviving spouse benefits.

COMMITTEE ON STATE ADMINISTRATION

By Representative Carothers:

H. 851. To amend Section 11-89A-18, Code of Alabama 1975, which relates to exemption from laws regarding competitive bidding, to clarify the existing provision that contracts with solid waste disposal authorities authorized by municipalities entered into by the municipalities who authorized the solid waste disposal authorities with whom the municipalities contract are exempt from the laws regarding competitive bidding, and to provide that solid waste disposal authorities authorized by counties, contracts entered into by solid waste disposal authorities authorized by counties and contracts with solid waste disposal authorities authorized by counties entered into by the counties who authorized the solid waste disposal authorities, are exempt from the laws regarding competitive bidding.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Galliher:

H. 852. To amend Section 34-36-4 of the Code of Alabama 1975, relating to the Alabama Board of Electrical Contractors, to provide further for the compensation of the executive secretary.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Payne, Ford, and Carter:

H. 853. To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Postsecondary Education Equity Fund of an amount up to six million dollars (\$6,000,000) for the fiscal year ending September 30, 1995.

COMMITTEE ON WAYS AND MEANS

By Representatives Hooper, Laird, Flowers, Willis, McMillan, Gaston, Wren, Dean, McKee, Sanderson, Carns, Townsend, Hawkins, Fuller, Papucci, Curry, Allen, Knight (A), Thomas (D), Morton, Rogers (M), Gipson, Sanderford, McDaniel, Dukes, Morrison, Johnson (E), Burke, Carter, Johnson (R), Petelos, Seibenhener, Collins, Hammett, Warren, Pringle, Crigler, Layson, Dolbare, Parker (T), Newton (C), Hamilton, Carothers, Clouse, Clark (J), Vance, Sims, Hogan, Turnham, Payne, Murphree, Smith, Gaines, Hill, Moore, Galliher, Box, Baker, White, Venable, Lindsey, Hinshaw, Hall (A), Morrow, Ford, Guin, Millican, Jorgensen, and Haney:

H. 854. To propose an amendment to the Constitution of Alabama of 1901, that would require legislative approval of certain court orders requiring disbursement of state funds.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

By Representative Carothers:

H. 855. To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; to repeal Section 40-25-5, Code of Alabama 1975; to distribute the revenue generated by the repeal of the discount; and to provide for enforcement by the Commissioner of the Alabama Department of Revenue.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 856. To provide for an energy and weatherization assistance program; and to create the Neighbors Helping Neighbors Fund; and to provide that the Department of Economic and Community Affairs will administer the monies.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 857. To amend Sections 2-21-24, 2-22-4, 2-22-9, 2-23-5, and 2-27-9, Code of Alabama 1975, relating to increasing fees for inspection of liming material and commercial feeds, sale of fertilizer, and registration of pesticides; and to provide that the fee increases will be used for the regulatory duties of the Department of Agriculture and Industries.

COMMITTEE ON WAYS AND MEANS

By Representatives Pringle, Turner, Buskey, Kennedy, Clark (W), Crigler, Gaston, Mitchell, Box, and Dean:

H. 858. To exempt certain public utility systems formed under Article 10 (commencing with Section 11-50-340) of Chapter 50 of Title 11 of the Code of Alabama 1975, from sales, use, and similar gross receipts taxes; and to provide for retroactive effect to June 29, 1951.

COMMITTEE ON WAYS AND MEANS

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 256. COMMENDING THE G. C. WALLACE STATE COMMUNITY COLLEGE GIRLS SOFTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 260. COMMENDING KEEP ALABAMA BEAUTIFUL FOR OUTSTANDING SERVICE TO THIS STATE.

Also:

H.J.R. 261. COMMENDING THE ALABAMA CHRISTIAN ACADEMY GIRLS SOFTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 262. COMMENDING THE ALABAMA CHRISTIAN ACADEMY BOYS BASEBALL TEAM FOR OUTSTANDING ACHIEVEMENTS.

Also:

H.J.R. 263. COMMENDING THE REVEREND RICHARD H. VIGNEULLE FOR HIS FAITHFUL SERVICE AS PASTOR OF SHADES MOUNTAIN INDEPENDENT CHURCH, BIRMINGHAM, ALABAMA.

Also:

H.J.R. 264. HONORING SHADES MOUNTAIN INDEPENDENT CHURCH OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF ITS 25TH ANNIVERSARY.

Also:

H.J.R. 267. COMMENDING KEN DAVID OF ATHENS, ALABAMA, AS 1995 ALABAMA VETERAN OF THE YEAR.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 227. NAMING THE NEW BRIDGE ON COUNTY ROAD 379 IN LEE COUNTY, THE "HUGH BRYANT BYRD BRIDGE."

Also:

H.J.R. 242. MOURNING THE DEATH OF REVEREND ROBERT L. HOPE OF PLATEAU, ALABAMA.

Also:

H.J.R. 244. MOURNING THE DEATH OF MINNIE B. TURNBO OF PRICHARD, ALABAMA.

Also:

H.J.R. 245. COMMENDING MRS. LESSIE HUDSON OF ANNEMANIE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

H.J.R. 247. HONORING DR. HARRISON MCMAINS OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HIS 90TH BIRTHDAY.

Also:

H.J.R. 252. COMMENDING DENNY H. "JACK" BREWER, JR., FOR OUTSTANDING SERVICE ON THE OCCASION OF HIS RETIREMENT.

Also:

H.J.R. 253. COMMENDING THE GEORGE W. LONG HIGH SCHOOL BOYS BASEBALL TEAM FOR OUTSTANDING ACCOMPLISHMENTS.

Also:

H.J.R. 254. COMMENDING THE G. C. WALLACE STATE COMMUNITY COLLEGE GOLF TEAM FOR TREMENDOUS ACCOMPLISHMENTS.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 607, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Buskey, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Gaines, Galliher, Gaston, Gipson, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McMillan, Melton,

Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Vance and Willis.

-58

And the bill:

H. 607. Relating to certain personnel in the Sheriff's Office of Mobile County; reclassifying the positions of chief deputy, chief clerk, assistant chief deputy, chief investigator, chief-youth aid division, administrative assistant, and secretary; and further providing for compensation of the personnel; expressly repealing the following acts: Act No. 517, S. 297 of the 1967 Regular Session (Acts 1967, p. 1241); (relating to assistant chief deputy sheriff); Act No. 650, H. 366 of the 1975 Regular Session (Acts 1975, p. 1407); Act No. 1058, H. 356 of the 1975 Regular Session (Acts 1975, p. 2120); and Act No. 80-612, H 1144 of the 1980 Regular Session (Acts 1980, p. 1043); all of which acts relate to various personnel and compensation of the Sheriff's office; and providing that Act No. 94-208, H. 595 of the 1994 Regular Session (Acts 1994, p. 278), relating to compensation of deputy sheriffs, shall be construed together with this act.

was taken up.

SUBSTITUTE OFFERED

Representative Turner offered the following substitute to the bill, H. 607:

A BILL TO BE ENTITLED AN ACT

Relating to certain personnel in the Sheriff's Office of Mobile County; reclassifying the positions of chief deputy, chief clerk, assistant chief deputy, chief investigator, chief-youth aid division, administrative assistant, and secretary; and further providing for compensation of the personnel; expressly repealing the following acts: Act No. 517, S. 297 of the 1967 Regular Session (Acts 1967, p. 1241); (relating to assistant chief deputy sheriff); Act No. 650, H. 366 of the 1975 Regular Session (Acts 1975, p. 1407); Act No. 1058, H. 356 of the 1975 Regular Session (Acts 1975, p. 2120); and Act No. 80-612, H 1144 of the 1980 Regular Session (Acts 1980, p. 1043); all of which acts relate to various personnel and compensation of the Sheriff's office; and providing that Act No. 94-208, H. 595 of the 1994 Regular Session (Acts 1994, p. 278), relating to compensation of deputy sheriffs, shall be construed together with this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) From the effective date of this act, the Mobile County Sheriff's Office is reorganized with three divisions designated as follows:

- (1) Operations and Investigations Division.
 - (2) Support Services Division (formerly designated as Civil Division).
 - (3) Administrative Service Division (formerly designated Assistant Chief Deputy).
- (b) Each division shall report directly to the sheriff, from the effective date of this act.

Section 2. The following positions shall be classified or reclassified as follows:

Current Position	Reclassified Position
Chief Deputy	Chief Deputy-Operations and Investigations
Chief Clerk	Chief Clerk-Support Services
Assistant Chief Deputy	Director-Administrative Services
Chief Investigator	Inspector
Chief-Youth Aid Division	Director of Planning
Administrative Assistant	Manager of Information Systems
Secretary	Secretary

Section 3. From the effective date of this act, the total monthly compensation for each of the classified or reclassified positions shall be as follows:

	Pay Range	Minimum	Maximum
Chief Deputy-Operations and Investigations Division	51	3,440	5,337
Chief Clerk-Support Services Division	51	3,440	5,337
Director-Administration Services Division	51	3,440	5,337

REGULAR SESSION
19th Day

1725

Inspector	47	2,830	4,391
Director of Planning	44	2,445	3,793
Manager of Information Systems	47	2,830	4,391
Secretary	33	1,419	2,218

The sheriff shall set the salaries of the above personnel in the same manner as other county employees are paid, and the salaries shall be paid monthly from the county treasurer.

Section 4. Act No. 517, S. 297; of the 1967 Regular Session (Acts 1967, p. 1241), entitled an act "To apply only in counties having populations of not less than 300,000 nor more than 500,000, fixing the compensation of the assistant chief deputy sheriff of any such county and repealing conflicting laws," is expressing repealed.

Section 5. Act No. 650, H. 366 of the 1975 Regular Session (Act 1975, p. 1407), entitled an act "To authorize the sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary, to provide for the appointment of such secretary, the term of office of such secretary, to provide for the salary of such secretary, and the method of payment of such secretary," is expressly repealed.

Section 6. Act No. 1058, H. 356 of the 1975 Regular Session (Acts, 1975, p. 2120), entitled an act "To authorize the sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a chief of the youth aid division, to provide for the appointment of the chief of the youth aid division, to provide for the salary of the chief of the youth aid division, and the method of payment of such salary," is expressly repealed.

Section 7. Act No. 80-612, H. 1144 of the 1980 Regular Session (Acts 1980, p. 1043) entitled an act, "To amend further Section 1 of Act No. 440, S. 186, special session 1966 (Acts 1966, p. 597), relating to the sheriff's department and counties having populations of not less than 300,000 nor more than 500,000," is expressly repealed.

Section 8. This act shall be construed together with Act No. 94-208, H. 595 of the 1994 Regular Session (Acts 1994), relating to deputy sheriffs.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Turner and Willis.

-58

And the bill:

H. 607. Relating to certain personnel in the Sheriff's Office of Mobile County; reclassifying the positions of chief deputy, chief clerk, assistant chief deputy, chief investigator, chief-youth aid division, administrative assistant, and secretary; and further providing for compensation of the personnel; expressly repealing the following acts: Act No. 517, S. 297 of the 1967 Regular Session (Acts 1967, p. 1241); (relating to assistant chief deputy sheriff); Act No. 650, H. 366 of the 1975 Regular Session (Acts 1975, p. 1407); Act No. 1058, H. 356 of the 1975 Regular Session (Acts 1975, p. 2120); and Act No. 80-612, H. 1144 of the 1980 Regular Session (Acts 1980, p. 1043); all of which acts relate to various personnel and compensation of the Sheriff's office; and providing that Act No. 94-208, H. 595 of the 1994 Regular Session (Acts 1994, p. 278), relating to compensation of deputy sheriffs, shall be construed together with this act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt and Turner.

-59

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 714, was adopted.

Yeas 57; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Curry, Dean, Gaines, Galliher, Gaston, Gipson, Hall (A), Hamilton, Haney, Hawk, Hill, Hilliard, Hinshaw, Houston, Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance and Willis.

-57

Nay:

Representative Kennedy.

- 1

And the bill:

H. 714. To alter, rearrange, and extend the boundary lines of the municipality of West Blocton in Bibb County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Carns, Carothers, Carter, Clouse, Curry, Dean, Drake, Gaines, Gaston, Gipson, Guin, Hall (A), Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, McClammy, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable and Willis.

-53

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 732, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable and Willis.

-69

And the bill:

H. 732. Relating to Walker County; authorizing the district attorney to establish a "Municipal Restitution Recovery Division" within the Office of the District Attorney; providing for collection and enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures in municipal courts; providing a collection fee; providing funding for the Municipal Restitution Recovery Division; and providing for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Gaines, Gaston, Gipson, Guin, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McClammy, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sims, Smith, Starkey, Thomas (D), Turnham, Vance, Venable and Willis.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 745, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turnham, Vance and Willis.

-69

And the bill:

H. 745. Relating to the Fourteenth Judicial Circuit of Alabama; to authorize the district attorney to establish a "restitution recovery division" within the Office of the District Attorney; to provide for collection and enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victims' compensation assessments, and bond forfeitures; to provide for a collection fee; to provide funding for the new restitution recovery division; and to provide for a circuit clerk's fund to assist the clerk in the implementation of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Turnham, Vance, Venable and Willis.

-69

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 256. COMMENDING THE G. C. WALLACE STATE COMMUNITY COLLEGE GIRLS SOFTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 260. COMMENDING KEEP ALABAMA BEAUTIFUL FOR OUTSTANDING SERVICE TO THIS STATE.

Also:

H.J.R. 261. COMMENDING THE ALABAMA CHRISTIAN ACADEMY GIRLS SOFTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 262. COMMENDING THE ALABAMA CHRISTIAN ACADEMY BOYS BASEBALL TEAM FOR OUTSTANDING ACHIEVEMENTS.

Also:

H.J.R. 263. COMMENDING THE REVEREND RICHARD H. VIGNEULLE FOR HIS FAITHFUL SERVICE AS PASTOR OF SHADES MOUNTAIN INDEPENDENT CHURCH, BIRMINGHAM, ALABAMA.

Also:

H.J.R. 264. HONORING SHADES MOUNTAIN INDEPENDENT CHURCH OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF ITS 25TH ANNIVERSARY.

Also:

H.J.R. 267. COMMENDING KEN DAVID OF ATHENS, ALABAMA, AS 1995 ALABAMA VETERAN OF THE YEAR.

Also:

H.J.R. 227. NAMING THE NEW BRIDGE ON COUNTY ROAD 379 IN LEE COUNTY, THE "HUGH BRYANT BYRD BRIDGE."

Also:

H.J.R. 242. MOURNING THE DEATH OF REVEREND ROBERT L. HOPE OF PLATEAU, ALABAMA.

Also:

H.J.R. 244. MOURNING THE DEATH OF MINNIE B. TURNBO OF PRICHARD, ALABAMA.

Also:

H.J.R. 245. COMMENDING MRS. LESSIE HUDSON OF ANNEMANIE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

H.J.R. 247. HONORING DR. HARRISON MCMAINS OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HIS 90TH BIRTHDAY.

Also:

H.J.R. 252. COMMENDING DENNY H. "JACK" BREWER, JR., FOR OUTSTANDING SERVICE ON THE OCCASION OF HIS RETIREMENT.

Also:

H.J.R. 253. COMMENDING THE GEORGE W. LONG HIGH SCHOOL BOYS BASEBALL TEAM FOR OUTSTANDING ACCOMPLISHMENTS.

Also:

H.J.R. 254. COMMENDING THE G. C. WALLACE STATE COMMUNITY COLLEGE GOLF TEAM FOR TREMENDOUS ACCOMPLISHMENTS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 764, was adopted.

Yeas 64; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), McAdory, McClammy, McMillan, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Vance, Venable, Willis and Wren.

-64

Nay:

Representative Johnson (R).

- 1

And the bill:

H. 764. Relating to Walker County; to assess certain fees and additional fees on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, staffing, operation, and financing of a county jail; and to provide for an advisory referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Guin, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Vance, Venable, Willis and Wren.

-69

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 768, were temporarily carried over at the request of Representative Letson.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 800, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McMillan, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Vance, Venable and Willis.

-66

And the bill:

H. 800. To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Houston County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yea:

Representatives Allen, Baker, Black (M), Boyd, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Knight (A), Knight (J), Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (J), Vance, Venable and Willis.

-56

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrison, the Budget Isolation Resolution relating to the bill, S. 488, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Guin, Hall (A), Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance and Willis.

-71

And the bill:

S. 488. Relating to the City of Cullman; to amend Section 3 of Act No. 93-536, S. 560 of the 1993 Regular Session (Acts 1993, p. 882), to further provide for the election of the Cullman City Board of Education.

was read a third time at length and passed.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Guin, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-76

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 31. Relating to Montgomery County; providing for authority to increase the compensation of all appointed election officials for each election; to provide for additional compensation to be paid election officials designated as the chief inspector, inspector and chief clerk for each election held based upon the number of voting machines. This shall be in addition to the compensation established by Section 17-6-13 of the Code of Alabama 1975, as amended.

Also:

H. 103. Relating to Chilton County; providing for an additional expense allowance and salary for the coroner; and providing for the expiration of the expense allowance.

Also:

H. 119. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

McDOWELL LEE
Secretary

H. 767 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 767, from the Calendar to the Standing Committee on Tourism, Entertainment and Sports.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hinshaw, the Budget Isolation Resolution relating to the bill, H. 703, was adopted.

Yeas 30; Nays 15.

Yea:

Representatives Allen, Clouse, Dean, Gaines, Galliher, Graham, Guin, Hall (A), Haney, Hill, Hinshaw, Hogan, Jorgensen, Knight (A), McDaniel, Moore, Morrison, Morrow, Murphree, Page, Papucci, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Spratt, Vance and Willis.

-30

Nay:

Representatives Bandy, Black (L), Buskey, Hall (L), Hilliard, Holmes, Houston, Knight (J), McAdory, McClammy, Minnifield, Mitchell, Newton (D), Perdue and Rogers (J).

-15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 703. To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County and Limestone County to remove certain property from the corporate limits of the municipality.

was taken up.

MOTION TO CARRY OVER TABLED

On motion of Representative Hinshaw, the motion offered by Representative Hall (L) to carry over the bill, H. 703, to the thirtieth legislative day was tabled.

Yeas 30; Nays 21.

Yea:

Representatives Carothers, Clouse, Gaines, Galliher, Guin, Hall (A), Haney, Hill, Hinshaw, Hogan, Johnson (R), Jorgensen, Knight (A), Laird, McDaniel, Moore, Morrison, Morrow, Page, Papucci, Parker (T), Robinson, Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turnham and Willis.

-30

Nay:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Hall (L), Hayden, Holmes, Houston, Kennedy, Knight (J), Maull, McAdory, McClammy, Minnifield, Mitchell, Newton (D), Rogers (J), Spratt and Thomas (J).

-21

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 703, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 18; Nays 14.

Yea:

Representatives Carothers, Dean, Gaines, Galliher, Guin, Hall (A), Haney, Hinshaw, Hogan, Johnson (R), Jorgensen, Morrow, Page, Papucci, Pringle, Sanderford, Sims and Willis.

-18

Nay:

Representatives Bandy, Black (L), Buskey, Hall (L), Hayden, Houston, Kennedy, Maull, McAdory, McClammy, Mitchell, Newton (D), Rogers (J) and Thomas (J).

-14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 482 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 482, from the Standing Committee on Ways and Means to the Standing Committee on Local Government.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Drake, the Budget Isolation Resolution relating to the bill, H. 178, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren, White and Wren.

-70

And the bill:

H. 178. To provide distinctive motor vehicle license tags or plates for members of Lions Club International; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

was taken up.

AMENDMENT OFFERED

Representative Drake offered the following amendment #1 to the bill, H. 178:

On page 2, line 18, after the word "plate" insert the following: at the additional fee of twenty-five dollars (\$25)

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren, White, Willis and Wren.

-74

AMENDMENT OFFERED

Representative Drake offered the following amendment #2 to the bill, H. 178, as amended:

On page 2, line 3, after the word "a" insert the word: distinctive

On page 2, lines 4, 5, and 6, beginning with the word "bearing" on line 4, delete all language through the word "number" on line 6, and insert in lieu thereof the following: which shall be produced and designed by the Alabama Department of Revenue

On page 3, line 2, after the period at the end of the line, insert the following: In addition to any and all other funds heretofore or hereafter appropriated, there is appropriated to the Department of Revenue from the monies collected under this act for the fiscal year ending September 30, 1995, the sum of two thousand dollars (\$2,000) to implement and administer this act.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, McAdory, McClammy,

McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren, White, Willis and Wren.

-78

And the bill:

H. 178. To provide distinctive motor vehicle license tags or plates for members of Lions Club International; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, White, Willis and Wren.

-83

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 454, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson,

Johnson (R), Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Warren, White and Wren.

-79

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 408. To amend Sections 1 and 3 of Act No. 93-379, H. 373 of the 1993 Regular Session (Acts 1993, p. 653), relating to Jackson County; providing further for certain county-owned or leased motor vehicles to be marked for identification purposes, and to provide further for the enforcement of this act.

Also:

H. 414. Relating to Chilton County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

Also:

H. 512. Relating to Covington County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

Also:

H. 554. To provide an additional method by which the City of Oxford in Calhoun County may extend its corporate limits in addition to any other method now provided by law.

McDOWELL LEE
Secretary

H. 454 TAKEN UP

And the bill:

H. 454. (With Amendment): To exempt Habitat for Humanity Organizations from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by these organizations from any state, county, and local ad valorem taxes.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 454 on page 2, lines 6 and 16 by adding after the word "taxes" the following: "; and repeals Sections 40-23-4 (a) (28) and 40-23-4 (a) (32) relating to sales tax exemptions".

Further amend the bill on page 2 after line 21 by adding a new Section 2 as follows and renumbering succeeding sections accordingly:

"Section 2. Sections 40-23-4 (a) (28) and 40-23-4 (a) (32) are hereby repealed."

AMENDMENT TABLED

On motion of Representative Haney, the committee amendment was tabled.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Warren, White, Willis and Wren.

-70

And the bill H. 454, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

-83

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 454:

Representatives Black (M), Boyd, Burke, Buskey, Clark (W), Collins, Crigler, Dean, Drake, Dukes, Gaston, Gipson, Graham, Guin, Hamilton, Hawk, Hayden, Hilliard, Hogan, Houston, Jackson, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Minnifield, Mitchell, Morrison, Morrow, Murphree, Page, Reed, Robinson, Rogers (M), Sanderford, Sims, Spratt, Starkey, Vance and Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, H. 87, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White and Willis.

-82

And the bill:

H. 87. To amend Section 41-9-141, Code of Alabama 1975, to exempt certain contracts for educational facilities from the approval authority of the State Building Commission.

was taken up.

AMENDMENT OFFERED

Representative Parker (P) offered the following amendment to the bill, H. 87:

Amend House Bill 87 on Page 1, line 14, following the word "constructing" by inserting the following language: K-12.

Further amend House Bill 87 on Page 4, line 3, following the word "of" by inserting the following language: K-12.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

And the bill:

H. 87. To amend Section 41-9-141, Code of Alabama 1975, to exempt certain contracts for educational facilities from the approval authority of the State Building Commission.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

-88

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 80. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the jurisdiction of the Franklin County School System.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Morrow, the House concurred in and adopted the Senate amendment to the bill, H. 80, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the jurisdiction of the Franklin County School System.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

(a) The Franklin County Superintendent of Education shall be elected by the qualified electors residing in the jurisdiction of the Franklin County School System. The initial county superintendent of education elected pursuant to this amendment shall be elected at the general election in 1996. The election shall be conducted in the same manner as the election of other county officers. The initial county superintendent of education elected pursuant to this amendment shall serve upon election until June 30, 2001. A successor shall be elected at the general election in 2000 and take office on July 1, 2001. Successors shall serve a term of four years from July 1 of the year following election and shall be elected at the general election immediately preceding the expiration of the term of the incumbent. The Franklin County Superintendent of Education shall be a resident of the area served by the Franklin County School System at the time of his or her election and shall possess all the qualifications of a county superintendent of education provided by general law. The Legislature may, from time to time, enact laws to implement and facilitate the purposes of this amendment.

(b) This amendment shall not become effective unless approved by a majority of the qualified electors residing in the jurisdiction of the Franklin County School System and a majority of the qualified electors of Franklin County.

Section 2. A special election upon the proposed constitutional amendment shall be held in Franklin County on a date to be set by the judge of probate of the county three months after the final adjournment of the session of the Legislature at which this amendment was proposed. In the event there is a special constitutional amendment election after the final adjournment of the session at which this amendment was proposed, the judge of probate shall set the election on this proposed amendment on the same date. The special election shall be held in accordance with Amendment 555 of the Constitution of Alabama of 1901, and the general election laws of this state. This election shall constitute a simultaneous referendum in the affected subdivision. Any cost of the election shall be paid by the county commission.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Franklin County, proposing a amendment of the Constitution of Alabama of 1901, to provide for election of Franklin County Superintendent of Education by the qualified electors residing within the jurisdiction of the Franklin County School System.

(Proposed by Act _____)"

This description shall be followed by the following language:

"Yes () No ()."

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Crigler, Curry, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Vance, Venable, Warren and Willis.

-76

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, H. 206, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Hooper,

Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-84

S. 215 SUBSTITUTED FOR H. 206

In accordance with House Rule 20 and on motion of Representative Dukes, the bill, S. 215, was substituted for the bill, H. 206.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dukes, the Budget Isolation Resolution relating to the bill, S. 215, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Venable, Warren, White and Willis.

-81

And the bill:

S. 215. To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

was read a third time at length and passed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White and Willis.

-90

H. 206 INDEFINITELY POSTPONED

On motion of Representative Dukes, the bill, H. 206, was indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 190. To amend Sections 11-53A-1, 11-53A-2, 11-67-20, 11-67-21, 11-67-23, 11-67-25, and 11-67-26 of the Code of Alabama 1975, to provide that Class 6 or Class 8 municipalities may demolish unsafe buildings and structures and may provide for the abatement of weeds within the municipality.

Also:

H. 416. Relating to the City of Decatur; to authorize the city to provide each city police officer who retires in good standing with his or her badge and a pistol.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 460. Relating to St. Clair County; to amend Sections 1 and 2 of Act No. 80-280, S. 459, 1980 Regular Session (Acts 1980, p. 394), to provide further for personnel in the office of the sheriff.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Letson, the Budget Isolation Resolution relating to the bill, H. 768, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Vance, Venable, Warren, White and Willis.

-74

And the bill:

H. 768. Relating to Lawrence County; to provide for the service by the sheriff of subpoenas in the courts of the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (J), Townsend, Vance, Venable, Warren, White and Willis.

-73

BUDGET ISOLATION RESOLUTION OFFERED

Representative Morrison offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 359.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 275, the time to debate the bill, H. 359, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

H. 330 TAKEN UP

And the bill:

H. 330. (With Substitute): To provide for the regulation and licensure of professional geologists; to provide for the Alabama Board of Licensure for Professional Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To provide for the regulation and licensure of professional geologists; to provide for the Alabama Board of Licensure for Professional Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Alabama Professional Geologists Licensing Act."

Section 2. (a) The Alabama Professional Geologists Licensing Act is enacted for the following purposes:

(1) To protect life, property, health, safety, public welfare, and the environment through the regulation of the practice of geology in the State of Alabama.

(2) To define the practice of geology as a profession and to establish minimum professional standards for ethical conduct, professional responsibility, education, and experience.

(3) To prevent abuses of the practice of geology by untrained or unprincipled persons.

(b) The intent of this act is to ensure that only those persons who are registered and licensed pursuant to this act, unless they are exempted from licensing, shall publicly practice, offer, or attempt to publicly practice geology or any specialty thereof, claim any specialty in geology as a professional, business, or commercial identification, title, name, representation, or claim, or otherwise hold themselves out to the public as being qualified to practice geology or any of its specialties. Only those persons licensed pursuant to this act may use the term "licensed professional geologist."

Section 3. When used in this act, the following words have the following meanings:

(1) BOARD. The Alabama Board of Licensure for Professional Geologists.

(2) GEOLOGIST. A person who holds a degree in the geological sciences from an accredited college or university.

(3) GEOLOGIST-IN-TRAINING. A person who holds a degree in the geological sciences from an accredited college or university and who has successfully passed the part of the professional examination covering fundamental or academic geological subjects.

(4) GEOLOGY. The science dealing with the earth and its history; its constituent rocks, minerals, liquids, gases, and other materials of which it is composed, and the study of the processes responsible for the development and change in the component parts of the earth, for the benefit of mankind.

(5) GOOD MORAL CHARACTER. Character that tends to ensure the faithful discharge of the professional duties of the licensed professional geologist based on truth and adherence to ethical principles.

(6) **LICENSE.** A certificate issued by the board recognizing the individual named in this certificate as meeting the requirements for licensing under this act.

(7) **LICENSED PROFESSIONAL GEOLOGIST.** A person who holds a license as a professional geologist under this act.

(8) **PUBLIC PRACTICE OF GEOLOGY.** The performance of geological service or work, including, but not limited to, consultation, geological investigation, surveys, evaluations, planning, mapping, or review of geological work related to the public practice of geology, or both, in which the performance is related to the public welfare or safeguarding of life, health, property, and the environment except as otherwise specifically provided by this act. A person publicly practices or offers to publicly practice geology if the person does any of the following:

a. Offers to or provides geological work or services to the public in any branch of the profession of geology.

b. Represents himself or herself to be a licensed professional geologist by verbal claim, sign, advertisement, letterhead, card, or in another way.

c. Implies that he or she is a licensed professional geologist or that he or she is registered under this act through the use of some other title.

d. Holds himself or herself out as one who performs or is able to perform any geological services or work recognized by the board as the public practice of geology.

e. This definition shall not be construed to regulate or interfere with the legitimate practice of any licensed professional, other than geologists.

(9) **RESPONSIBLE CHARGE OF WORK.** The independent control and direction by the use of initiative, skill, and independent judgment of geological work or the supervision of such work.

(10) **SPECIALTY.** A branch of geology which is recognized as a subdiscipline for purposes of certification after registration as a licensed professional geologist.

(11) **SUBORDINATE.** A person who assists a licensed professional geologist in the public practice of geology without assuming the responsible charge of work and who is under the direction and supervision of a licensed professional geologist.

(12) **UNPROFESSIONAL CONDUCT.** The practice of geology by a licensed professional geologist who willfully performs any act, causes omissions, or makes any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever discredits or tends to discredit the profession of geology.

Section 4. (a) There is created the Alabama Board of Licensure for Professional Geologists which shall administer and enforce this act.

(b) The board shall consist of seven members appointed by the Governor. Members of the board, except for the initial board, shall be licensed professional geologists. At least one member of the board shall be a minority.

(c) Each member of the board shall be a citizen of the United States, a resident of the State of Alabama for at least five years immediately preceding appointment, reside in the state during the term of office, and be at least 25 years of age.

(d) All members of the initial board shall be appointed by the Governor from a list of nominees who shall at the time of their appointment qualify for licensing under this act and become duly licensed during their term. Membership of the board shall include at least one representative member from each of the following professional subgroups of geologists: Faculty of the departments of geology at colleges and universities in the State of Alabama that grant degrees in the geological sciences; governmental agencies employing geologists; businesses, exclusive of those exempted herein; mining industry; petroleum industry; geotechnical and/or environmental engineering firms; and independent geological consultants.

(e) After the establishment of the initial board, all members shall be licensed under this act. The term of office of each member of the board shall be three years. Notwithstanding the foregoing, of the first members appointed, two shall be appointed for a term of one year, two for terms of two years, and three for terms of three years. No member shall serve more than two consecutive three-year terms, without interruption in service of at least three years.

(f) Each term on the board shall expire on September 30 of the year in which the term expires. When the term of a member expires, the Governor shall appoint a new member or reappoint the current member for a full term under subsections (d) and (e). If a vacancy occurs, within 90 days of the vacancy the Governor shall appoint a replacement to fill the vacancy for the remainder of the unexpired term.

(g) The Governor may remove a member of the board only for neglect of duty, an unexcused failure to attend more than one of the regularly scheduled meetings held in a calendar year during the term in office of the member, malfeasance, violation of this act, or conviction of a felony or other crime of moral turpitude.

(h) Members of the board shall receive reimbursement for expenses incurred in the performance of duties.

(i) The board may employ the necessary personnel for performance of its functions and fix their compensation. The board may appoint committees to aid in the performance of its functions.

Section 5. (a) The board shall elect from its membership a chair, a vice chair, and a secretary-treasurer. The board shall adopt rules to govern its proceedings. A majority of the appointed membership of the board shall constitute a quorum for all meetings.

(b) The board shall, by regulation, adopt an administrative code and a code of professional conduct, which shall be published by the board and distributed to every applicant for licensing and to every licensee under this act. The publication shall constitute due notice to all applicants and licensees. The board shall solicit comments from the profession at large concerning these codes and may revise and amend the codes.

(c) The board shall have the authority to prepare, administer, and grade oral or written examinations, or both, as required or permitted by this act to test an applicant's academic preparation and ability to apply such training to the public practice of geology. The board may take any actions necessary to prepare, administer, and grade the examinations, to determine whether the qualifications of an applicant for licensing meet the minimum standards set forth in this act, and to issue a license to each successful applicant. The board shall have the authority to adopt or recognize, in part or in whole, examinations prepared, administered, or graded by other organizations, on a regional or national basis, which the board determines are appropriate to measure the qualifications of an applicant for licensing as a professional geologist or in any specialty of geology. The examination questions, correct answers, and any individual applicant's completed examination shall be available to the board. The board shall retain the authority to determine a passing grade for purposes of registration as a professional geologist in this state.

(d) The board shall consider all applications for licensing as a professional geologist or certification in any specialty thereof recognized by the board pursuant to this act and issue licenses as provided in this act. The board shall adopt a seal which shall be affixed to all licenses issued by the board.

(e) The board may authorize necessary expenditures to implement this act from the fees which it collects. The expenditures shall not exceed the revenues of the board during any fiscal year.

(f) The board shall meet within 30 days after a quorum of its first members is appointed, and thereafter shall hold at least three regular meetings each year. The board may provide for additional special meetings including hearings, extra working days for applications review, and examination proctoring. Minutes of each meeting of the board, recording the members present and the business taken, shall be signed and kept by the secretary-treasurer or an assistant secretary appointed by the board.

(g) The board shall establish and receive reasonable and necessary fees to be charged the applicants and registrants to support the administration and enforcement of this act. The secretary-treasurer shall prepare, certify, and file an annual report of all the receipts, expenditures, and fund balances with the State Comptroller.

(h) The board shall approve licensing through comity for any individual already licensed as a professional geologist or the equivalent in any other state, territory, or possession of the United States, or the District of Columbia, if the license is current and, in the opinion of the board, the license was issued in compliance with licensing requirements that are substantially the same as, or more stringent than, those established pursuant to this act. The board may require additional proof of experience, if desired.

(i) The board shall renew and reissue certificates as provided in this act. As a condition of reissuance or renewal, the board shall have the authority to require, in general or in individual cases, evidence of continued competence in the practice of geology through means such as, but not limited to, the review of qualifications, experiences, and requirements for continuing professional education.

(j) Each present and former member of the board, its agents, employees, and members of committees appointed by the board to assist the board in carrying out its duties and responsibilities, shall be exempt from civil liability for any act or omission occurring while acting in an official capacity. The Attorney General or his or her appointed designee shall, without assessing charges to the board for legal services, defend the board and each present and former member of the board, its agents, employees, and members of committees appointed by the board in any action arising from any act or omission. The Attorney General or his or her appointed designee shall act as legal advisor to the board.

(k) The board may investigate all reasonably documented complaints of violations of this act and of unprofessional conduct by licensed and nonlicensed geologists. The board shall have the authority to refuse issuance or renewal of a license or to suspend or revoke a license. The board may impose sanctions including restrictions on the practice of any registrant or of a person, firm, or corporation practicing under the limitations of this act, for violations of this act or the rules and regulations promulgated hereunder.

(l) The board shall have the power to administer oaths and affirmations and to issue subpoenas to compel the attendance of witnesses and the production of evidence, and shall have the authority to issue cease and desist orders and to seek injunctions against violations of this act or the rules and regulations promulgated hereunder, as provided herein.

(m) The board shall, within one year of its appointment, establish between it and the Alabama State Board of Professional Engineers and Land Surveyors, a memorandum of understanding, containing guidelines for resolving jurisdictional concerns that may arise between registered engineers and registered geologists.

(n) The board shall have all other powers and authority consistent with this section, not enumerated herein, as are necessary for the administration and enforcement of this act.

Section 6. There is established a separate revenue trust fund in the State Treasury to be known as the "Alabama Board of Licensure for Professional Geologists Fund." All receipts, interest on accounts, and disciplinary fines collected by the board under this act shall be deposited in this fund and used only to implement this act. Monies shall be disbursed by warrant of the State Comptroller upon the State Treasury, upon itemized vouchers approved by the chair of the board or an authorized designee. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-98, inclusive, and 41-19-1 to 41-19-12, inclusive, Code of Alabama 1975, and only in amounts as stipulated in the general appropriations bill or other appropriation bills.

Section 7. (a) Except as provided in this section, any person who publicly practices, or offers or attempts to publicly practice, geology in the State of Alabama is subject to this act.

(b) The following persons are exempt from licensing under this act:

(1) Persons engaged solely in teaching of geology or related physical or natural sciences, and persons engaged solely in geologic research conducted through academic institutions, agencies, or government and nonprofit research organizations.

(2) Officers and employees of the United States of America and the State of Alabama practicing solely as officers and employees.

(3) Officers and employees of businesses and industries practicing solely as officers and employees, and individuals if they do not offer their professional services to the public for hire and are not engaged in activities that require the signature of a licensed professional geologist.

(4) Officers and employees of companies and corporations practicing solely as such officers and employees who work as a sole proprietorship in mining and mineral exploration and development and who do not offer their professional services to the public for hire or who are not engaged in activities that require the signature of a licensed professional geologist.

(5) Officers and employees of companies and corporations and individuals who work as a sole proprietorship in oil and/or gas exploration and development.

(6) A person who is subordinate to a licensed professional geologist or who is a geologist-in-training licensed under this act but only insofar as he or she acts solely in that capacity. This exemption does not permit the subordinate to practice geology or use the term "licensed professional geologist."

Section 8. (a) This act does not prohibit one or more geologists from practicing through the business organizations of a sole proprietorship, partnership, corporation, or professional association. In a partnership, corporation, or professional association, in which the primary activity consists of geological services affecting the public welfare and which require licensing pursuant to this act, at least one partner or officer shall be a licensed geologist.

(b) This act shall not be construed to prevent or to affect:

(1) The practice of any profession or trade for which a license is required under any other law of this state, including, but not limited to, the practice of registered professional engineers from lawfully practicing soil mechanics, foundations engineering, and other professional engineering, licensed architects or landscape architects from lawfully practicing architecture or landscape architecture, licensed land surveyors from lawfully practicing surveying, or the practice of soil science by certified professionals.

(2) The public practice of geology by a person who is not a resident of this state and who has no established place of business in this state, when that practice does not exceed in the aggregate more than 90 days in any calendar year, provided the person is duly licensed to practice the profession in another state where the requirements for a license are not less than those specified in this act for obtaining the license required for the work. Within 10 days of entering this state for commencing of the work, a nonresident claiming an exemption under this subdivision shall file a statement with the board which includes his or her name, residence, and license number, and by what authority the license was issued. Upon the completion of the work, the person shall file a statement of the time engaged in the work within the state.

Section 9. An application for licensing as a professional geologist or a geologist-in-training shall be made under oath and shall show: (1) the education of the applicant; (2) a detailed summary of his or her actual geological work experience; (3) a signed statement that the applicant has read and shall adhere to the code of professional conduct adopted by the board; and (4) not less than five references, three or more of whom shall be geologists having personal knowledge of the geologic experience of the applicant. The board shall determine a reasonable application fee which shall accompany each application.

Section 10. (a) An applicant is eligible for a license as a professional geologist in the State of Alabama if the applicant meets the following minimum requirements:

(1) Is of good moral character.

(2) Has graduated from an accredited college or university with a degree in geology, engineering geology, or one of the related geological sciences if the applicant has completed a minimum of 30 semester hours or their equivalent of course work in geological science. The appropriate college or university shall document educational experience by submitting a certified written reference or certified transcript directly to the board.

(3) Have at least five years of full-time professional geological work after receipt of a bachelor's degree, either as a geologist-in-training or in geologic work related to the public practice of geology which is satisfactory to the board. The following criteria of education and experience qualify toward accumulation of the required years of professional work:

a. The board, at its discretion, may give a maximum of one year's credit for each graduate degree in geology, engineering geology, or one of the related geological sciences.

b. The board may consider work in related fields as acceptable work experience.

c. In all cases, the board shall determine if the applicant has demonstrated his or her ability by having gained experience by performing work in a responsible position. The adequacy of the required supervision and experience shall be documented to the board as described herein below.

d. Professional geologic research of applicants either teaching at the college or university level or in research agencies of state or federal government shall be credited and applied toward the professional requirements herein, provided the work or research in the geological sciences can be documented in writing and is demonstrated to be of a sufficiently responsible nature to be equivalent to the professional requirements as set forth above.

e. The professional geologic work experience of the applicant shall be documented in writing. Except as otherwise provided in this subdivision, work experience obtained before receipt of a bachelor's degree shall not be accepted as credit toward professional geologic work experience.

(4) Passes an examination which is designed to demonstrate that the applicant has the necessary knowledge and requisite skill to exercise the responsibilities of the public practice of geology.

(b) The board shall waive the requirements of subdivision (4) of this section if the applicant meets all other requirements of this act and makes written application to the board not later than one year after the initial board requests applications.

Section 11. Annual examinations shall be formulated and conducted by the board at a time and place the board shall determine. The board shall by regulation establish the fee required for examination.

Section 12. (a) Upon payment of a license fee the board shall issue a biennial license to any applicant who has satisfactorily met all the requirements of this act. Licenses shall show the full name of the licensee, give a serial number, and shall be signed by both the chair and secretary-treasurer of the board under the seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a licensed professional geologist while the license remains in full force and effect.

(b) Each license expires on a biennial basis or at another interval determined by the board unless the license is renewed. An application for renewal shall be filed with the board and shall be accompanied by the renewal fee

prescribed by the board. A license which has expired for failure to renew may be restored only after application and payment of the prescribed restoration fee, provided the renewal applicant meets all other provisions established by the board.

(c) An applicant for renewal of a license shall have satisfactorily maintained continuing education requirements as specified by the board.

(d) A new license to replace any license lost, destroyed, or mutilated may be issued subject to the rules of the board and payment of a fee established by the board.

Section 13. If, in the opinion of the board, there is a need, in addition to licensing as a professional geologist, for more definitive recognition of geologic expertise, qualified persons may also be eligible for certification in a specialty. Specialties may be created by the board after notice to all Alabama licensed professional geologists of a hearing to explain the proposed specialty or specialties and after approval of the proposed specialty or specialties by a majority of all Alabama licensed professional geologists. Specialties shall be created by regulations which shall contain any required additional qualifications or limitations. Only licensed professional geologists shall be eligible for certification in a specialty. Applications may be submitted for both licensing and certification in a specialty at the same time, but the applicant shall be approved for licensing as a professional geologist before being considered for certification in a specialty. The certification in a specialty is dependent, in every case, upon the approval of licensing as a professional geologist.

Section 14. (a) Each geologist, upon the issuance of a license, shall obtain from the secretary-treasurer of the board or his or her designee, at a cost prescribed by the board, a seal of the design authorized by the board bearing the name of the licensee and the legend "Licensed Professional Geologist - State of Alabama" together with the serial number of the licensee. A licensed professional geologist shall approve, sign, and affix his or her seal to all drawings, reports, or other geologic papers, or documents involving the public practice of geology which have been prepared by the licensed professional geologist or a subordinate employee under the direction of the licensed professional geologist for the use of, or for delivery to, any person or for public record within the State of Alabama.

(b) A qualified nonresident geologist practicing geology in the State of Alabama under temporary approval of the board shall sign and impress with his or her authorized licensed seal all drawings, reports or other geologic papers, or documents involving the public practice of geology which have been prepared by a licensed geologist or a subordinate employee under his or her direction for the use of, or for delivery to, any person or for public record within the State of Alabama.

Section 15. (a) The board shall keep a register of all applications for licensing. The register shall include:

- (1) The name, age, and address of each applicant.
- (2) The date of the application.
- (3) The place of business of the applicant.
- (4) The education of the applicant and other pertinent qualifications.
- (5) Whether an examination was required.
- (6) Whether the applicant was licensed in another state.
- (7) Whether the license was granted.
- (8) The dates of the actions by the board.
- (9) Any other information deemed necessary by the board.

(b) All official records of the board or affidavits by the secretary-treasurer of the board as to the content of such records shall be prima facie evidence of all matters required to be kept therein.

(c) The board shall treat as confidential and not subject to disclosure, except to the extent required by law or by rule or regulation of the board, individual test scores and applications and material relating thereto, including letters of reference relating to an application.

Section 16. The secretary-treasurer of the board shall publish biennially a roster showing the names, license numbers, places of business, and business and residence addresses of all professional geologists licensed in Alabama. Copies of this roster shall be made available to the public upon request and payment of a reasonable fee.

Section 17. Any person may file written charges against any licensed professional geologist pursuant to rules and regulations adopted by the board. Charges or allegations shall be in writing and shall be sworn to by the person or persons making them and shall be filed with the secretary-treasurer of the board. The board shall investigate all valid complaints.

Section 18. (a) It is unlawful for any person except a licensed professional geologist or a subordinate under his or her direction, as defined in Section 7(b)(5) of this act; a geologist explicitly exempt from licensing pursuant to Section 7 of this act; and those persons explicitly exempt under Section 8(b)(1) of this act to prepare any geologic plans, reports, or documents which relate to the public welfare or safeguarding of life, health, property, or the environment.

(b) It is unlawful for any person to publicly practice, offer or attempt to publicly practice geology, use in connection with his or her name or otherwise assume, or advertise any title or description tending to convey the impression that he or she is a licensed professional geologist, unless that person has been duly licensed.

(c) One year after the initial board calls for applications, it shall be unlawful for anyone other than a professional geologist licensed under this act to stamp or seal any plans, plats, reports, or other documents with the seal or stamp of a licensed professional geologist, use in any manner the seal or stamp of a licensed professional geologist, or use in any manner the title "licensed professional geologist" unless that person is licensed hereunder or temporarily approved for geologic work as specified under Section 14 of this act.

(d) It is unlawful for any person to affix his or her signature to or to stamp or seal any plans, plats, reports, or other documents as defined by the rules of the board after the license of the person named thereon has expired or has been suspended or revoked.

Section 19. The board may refuse to grant or renew, or may suspend or revoke the license of any person licensed under this act who:

(1) Has violated this act or any rule or regulation of the board.

(2) Has been convicted of a misdemeanor under this act.

(3) Has been found guilty of gross unprofessional conduct, dishonest practice, incompetence, including but not limited to obtaining a license under this act through fraud or deceit, and aiding or abetting another person in obtaining a license by fraud or deceit.

(4) Has been convicted of a criminal felony charge impinging on the moral and ethical character of the individual and the profession.

(5) Has suffered revocation, suspension, or denial of a certificate or license to practice geology for any reason in another state.

Section 20. (a) The board shall develop procedures for investigation, prehearing, and hearing of disciplinary actions.

(b) Any person aggrieved by a decision of the board other than a decision in a disciplinary action may petition the board for a hearing.

(c) Judicial review of the final decision of the board is available in the manner prescribed by the Alabama Administrative Procedure Act.

Section 21. The board may issue a license to any person whose license has been revoked, when the board finds upon written application by the applicant and a review of the facts that there is good cause to justify reissuance.

Section 22. Any person who does any of the following is guilty of a Class B misdemeanor:

(1) Willfully publicly practices, or offers or attempts to publicly practice, geology for other natural or corporate persons in Alabama without being licensed in accordance with this act or hereby exempted.

(2) Presents or attempts to use as his or her own, the certificate of licensure or seal of another.

(3) Gives false or forged evidence of any kind in obtaining a license.

(4) Impersonates any other licensee.

(5) Attempts to use an expired or revoked license or practices at any time during which the board has suspended or revoked the license.

(6) Violates any provision of this act.

Section 23. As an additional remedy, the board may proceed in a court of an appropriate jurisdiction to enjoin and restrain any person for violating this act. The board shall not be required to post bond in connection with obtaining provisional, preliminary, or permanent injunctive relief pursuant to law.

Section 24. There is appropriated from the Alabama Board of Licensure for Professional Geologists Fund to the Alabama Board of Licensure for Professional Geologists for the fiscal year ending September 30, 1996, the sum of one hundred fifty thousand dollars (\$150,000). The appropriation shall be in addition to any and all other funds appropriated to the Alabama Board of Licensure for Professional Geologists.

Section 25. The Alabama Board of Licensure for Professional Geologists shall be subject to the provisions of the Alabama Sunset Law of 1981, and shall be classified as an enumerated agency pursuant to Section 41-20-3 of the Code of Alabama 1975. The board shall dissolve on October 1, 1997, unless continued as therein provided and, if continued, the board shall be reviewed every four years thereafter.

Section 26. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 26. All laws or parts of laws which conflict with this act are repealed.

Section 27. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 84; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-84

Nay:

Representative Laird.

- 1

And the bill:

H. 330. To provide for the regulation and licensure of professional geologists; to provide for the Alabama Board of Licensure for Professional Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 5.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Dean, Drake, Dukes, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-79

Nay:

Representatives Curry, Dolbare, Gaines, Hall (A) and Laird.

- 5

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hawk, the Budget Isolation Resolution relating to the bill, H. 525, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Layson, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

And the bill:

H. 525. To amend Section 12-15-65, Code of Alabama 1975, by requiring that all court orders removing a child from his or her home will contain a finding that the best interest of the child was considered and that reasonable efforts to prevent removal were made or were not appropriate due to emergency or unsafe conditions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A),

Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 525:

Representatives Bandy, Boyd, Burke, Carns, Carothers, Clouse, Collins, Curry, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Haney, Hayden, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Page, Papucci, Payne, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White, Willis and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 566, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

S. 368 SUBSTITUTED FOR H. 566

In accordance with House Rule 20 and on motion of Representative Burke, the bill, S. 368, was substituted for the bill, H. 566.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, S. 368, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

And the bill:

S. 368. To amend Section 32-7-5 and Section 32-7-6 of the Code of Alabama 1975, the Motor Vehicle Safety Responsibility Act; to increase the time allowed for the operator or owner of a motor vehicle to file the required forms after a motor vehicle accident and to provide that reinstatement fees will not be assessed on suspension if proper documentation is provided that acceptable insurance was in effect at the time of the motor vehicle accident.

was read a third time at length and passed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper,

Houston, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

H. 566 INDEFINITELY POSTPONED

On motion of Representative Burke, the bill, H. 566, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (L), the Budget Isolation Resolution relating to the bill, H. 712, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren and White.

-76

And the bill:

H. 712. (With Amendment): To establish the Osteoporosis Prevention and Treatment Education Program within the State Department of Health and to provide financing for the program.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

On page 12, after line 21, insert the following language as a new Section 10 and renumber existing Section 10 as Section 11:

Section 10. The provisions of this act shall be implemented only to the extent sufficient funds are made available for implementation and administration.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Ford, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren and White.

-78

S. 517 SUBSTITUTED FOR H. 712

In accordance with House Rule 20 and on motion of Representative Hall (L), the bill, S. 517, was substituted for the bill, H. 712, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (L), the Budget Isolation Resolution relating to the bill, S. 517, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw,

Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren and White.

-89

And the bill:

S. 517. To establish the Osteoporosis Prevention and Treatment Education Program within the State Department of Health and to provide financing for the program.

was read a third time at length and passed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren and White.

-92

H. 712 INDEFINITELY POSTPONED

On motion of Representative Hall (L), the bill, H. 712, as amended, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 638, was adopted.

Yeas 75; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Letson, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White and Wren.

-75

Nay:

Representative Holmes.

- 1

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 178. To provide distinctive motor vehicle license tags or plates for members of Lions Club International; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

TOMMY CARTER
Chairman

And the bill, H. 178, as engrossed, was ordered sent to the Senate.

H. 638 TAKEN UP

And the bill:

H. 638. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Washington County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Guin, Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-83

Nay:

Representative Holmes.

- 1

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill 195, without the Governor's signature and with a suggested Executive Amendment.

Done this 20th day of June, 1995.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 195, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 195:

Please amend House Bill No. 195 on page 1, line 13 by deleting the word "certain", also amend on this line by deleting the words "contracting to purchase" and inserting the word "producing".

Further page 1, line 16 after the number "1" by adding the subsection "(a)".

Further amend on page 1, line 17 after the word "corporation," and before the word "foreign" by inserting the words "whether a 'sub-chapter S' corporation, as defined by the 1995 Internal Revenue Code, or not,".

Further amend on page 1, line 18 continuing through line 20 by deleting the language "has been incorporated for at least one year, has been using coal mined in Alabama for at least one year, and does not export coal from Alabama" and inserting in lieu thereof the language "as a producer of coal mined in Alabama,".

Further amend on page 1, line 23 by inserting after the words "ton of" and before the word "after" the following language "increased production of coal over the previous year's production of coal as set out herein below. Such tax credit shall be based on coal produced". Further amend page 1, line 23 by deleting the language "coal purchased by the corporation".

Further amend on page 1, line 24, by deleting the words "and sold".

Further amend on page 1, beginning on line 25 and continuing onto line 26, by deleting the language "and the coal was used in Alabama as certified by the user of the coal."

Further amend on page 1, line 28 after the words "tons of" and before the word "coal" by inserting the word "Alabama", also amend on this line by deleting the word "purchased" and inserting the word "produced".

Further amend on page 1, line 30, by deleting the word "purchased" and inserting the word "produced".

Further amend on page 1, line 31, by deleting the word "purchase" and inserting the word "produce", and further amend this line by inserting the words "calendar year" between the word "during" and the word "1994", and further amend this line by inserting the following language after the word "1994," "such corporation must establish a base year by producing Alabama coal for twelve consecutive months. Thereafter, such corporation shall be eligible for the tax credit as specified herein above over the base year production."

Further amend on page 1, line 32, by deleting the language beginning with the words "the amount" and continuing through Page 2, line 8, ending with the word "reduction."

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 20th day of June, 1995.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

On motion of Representative Guin, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 195, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 90; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 607. Relating to certain personnel in the Sheriff's Office of Mobile County; reclassifying the positions of chief deputy, chief clerk, assistant chief deputy, chief investigator, chief-youth aid division, administrative assistant, and secretary; and further providing for compensation of the personnel; expressly repealing the following acts: Act No. 517, S. 297 of the 1967 Regular Session (Acts 1967, p. 1241); (relating to assistant chief deputy sheriff); Act No. 650, H. 366 of the 1975 Regular Session (Acts 1975, p. 1407); Act No. 1058, H. 356 of the 1975 Regular Session (Acts 1975, p. 2120); and Act No. 80-612, H 1144 of the 1980 Regular Session (Acts 1980, p. 1043); all of which acts relate to various personnel and compensation of the Sheriff's office; and providing that Act No. 94-208, H. 595 of the 1994 Regular Session (Acts 1994, p. 278), relating to compensation of deputy sheriffs, shall be construed together with this act.

TOMMY CARTER
Chairman

And the bill, H. 607, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 87. To amend Section 41-9-141, Code of Alabama 1975, to exempt certain contracts for educational facilities from the approval authority of the State Building Commission.

TOMMY CARTER
Chairman

And the bill, H. 87, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 31. Relating to Montgomery County; providing for authority to increase the compensation of all appointed election officials for each election; to provide for additional compensation to be paid election officials designated as the chief inspector, inspector and chief clerk for each election held based upon the number of voting machines. This shall be in addition to the compensation established by Section 17-6-13 of the Code of Alabama 1975, as amended.

Also:

H. 103. Relating to Chilton County; providing for an additional expense allowance and salary for the coroner; and providing for the expiration of the expense allowance.

Also:

H. 119. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 408. To amend Sections 1 and 3 of Act No. 93-379, H. 373 of the 1993 Regular Session (Acts 1993, p. 653), relating to Jackson County; providing further for certain county-owned or leased motor vehicles to be marked for identification purposes, and to provide further for the enforcement of this act.

Also:

H. 414. Relating to Chilton County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

Also:

H. 512. Relating to Covington County; authorizing the sheriff to operate a jail concession for county prisoners and state prisoners in county custody; and providing for the deposit, distribution, and auditing of monies earned.

Also:

H. 554. To provide an additional method by which the City of Oxford in Calhoun County may extend its corporate limits in addition to any other method now provided by law.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 190. To amend Sections 11-53A-1, 11-53A-2, 11-67-20, 11-67-21, 11-67-23, 11-67-25, and 11-67-26 of the Code of Alabama 1975, to provide that Class 6 or Class 8 municipalities may demolish unsafe buildings and structures and may provide for the abatement of weeds within the municipality.

Also:

H. 416. Relating to the City of Decatur; to authorize the city to provide each city police officer who retires in good standing with his or her badge and a pistol.

Also:

H. 460. Relating to St. Clair County; to amend Sections 1 and 2 of Act No. 80-280, S. 459, 1980 Regular Session (Acts 1980, p. 394), to provide further for personnel in the office of the sheriff.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 90. COMMENDING MRS. LESSIE HUDSON OF ANNEMANIE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 19. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1993 First Special Session, 1994 Regular Session, and 1994 First Special Session of the Legislature as contained in the 1994 Cumulative Supplement to certain volumes of the Code and in the 1994 Replacement Volumes 7A, 10, and 12 of the Code; to make corrections in certain volumes of the cumulative supplement and Replacement Volume 7A; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volumes; to expressly provide that this act does not affect any 1995 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

Also:

S. 215. To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

Also:

S. 488. Relating to the City of Cullman; to amend Section 3 of Act No. 93-536, S. 560 of the 1993 Regular Session (Acts 1993, p. 882), to further provide for the election of the Cullman City Board of Education.

Also:

S. 225. To amend Sections 5-21-2, 5-21-3, 5-21-4, 5-21-5, 5-21-7, 5-21-9, and 5-21-11 of the Code of Alabama 1975, to provide further for the plan for linked deposits administered by the Office of the State Treasurer.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Hooper offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 691.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 275, the time to debate the bill, H. 691, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 693, was adopted.

Yeas 99; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-99

And the bill:

H. 693. To amend Section 41-4-60, Code of Alabama 1975, relating to state warrants; to reduce the period of time to one year for which a state warrant may be presented for payment, or for which a claim on a warrant may be made.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 102; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-102

And the bill:

H. 235. (With Substitute) (With Amendment): To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1996.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 235, and to the pending committee amendment:

A BILL TO BE ENTITLED AN ACT

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1996, for debt service, and for capital outlay to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1996, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 et seq.), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 et seq.), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Earmarked Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than those listed in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included
In Appropriation Total

ASETF	Earmarked Funds	Appropriation Total
-------	--------------------	------------------------

SECTION 3.

A. STATE AGENCIES:

1. AMERICAN LEGION AND
AUXILIARY SCHOLARSHIPS:

(a) Support of Other Educational Activities Program.....	91,634
--	--------

SOURCE OF FUNDS:

(1) ASETF.....	91,634	
Total American Legion and Auxiliary Scholarships.....	91,634	91,634

To be expended under the provisions of Code of Alabama 1975, Sections 16-31-1 through 16-31-4.

2. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Education Management Program.....	485,000
--	---------

SOURCE OF FUNDS:

(1) ASETF.....	485,000	
Total Department of Archives and History.....	485,000	485,000

3. ARTS, STATE COUNCIL ON THE:

(a) Fine Arts Program.....	2,748,823
----------------------------	-----------

SOURCE OF FUNDS:

(1) ASETF.....	1,818,423	
(2) Federal and Local Funds.....	930,400	
Total State Council on the Arts.....	1,818,423	930,400 2,748,823

4. BUILDING COMMISSION, STATE:

(a) Special Services Program.....	382,500
-----------------------------------	---------

SOURCE OF FUNDS:

(1) ASETF-Transfer.....	382,500	
Total State Building Commission.....	382,500	382,500

5. BUSKEY MATCHING FUNDS -
PENNY TRUST FUND:

(a) Special Services Program, Estimated.....	30,000
---	--------

SOURCE OF FUNDS:

(1) ASETF-Transfer.....	30,000	
-------------------------	--------	--

Total Buskey Matching Funds - Penny Trust Fund.....	30,000	30,000
--	--------	--------

In accordance with Sections
41-15A-10 through 41-15A-12,
Code of Alabama 1975.

6. CHILD ABUSE AND NEGLECT
PREVENTION BOARD:

(a) Social Services Program.....	991,230
----------------------------------	---------

In accordance with Sections 26-16-1
et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ASETF.....	991,230	
----------------	---------	--

Total Child Abuse and Neglect Prevention Board.....	991,230	991,230
--	---------	---------

7. DEBT SERVICE:

(a) Debt Service Program.....	738,702
-------------------------------	---------

For payments on endowments as
follows:

For interest and principal on University of Montevallo (Alabama College) Endowment.....	123,958
---	---------

For interest on Auburn University Endowment.....	20,280
---	--------

For interest on University of Alabama Endowment.....	61,000
---	--------

For interest on Grove Hill
Endowment.....600

For interest on Public School Fund
Endowment:

Interest on 16th Section Lands,
Estimated.....410,000

Interest on School Indemnity Lands,
Estimated.....90,000

Interest on Valueless 16th Section
Lands.....5,825

Interest on Surplus Revenue....26,764

Interest on James Wallace Fund....275

Total Interest on Public School Fund
Endowment.....532,864

SOURCE OF FUNDS:

(1) ASETF.....	<u>738,702</u>	
Total Debt Service.....	<u>738,702</u>	<u>738,702</u>

8. DENTAL SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....	135,393
---	---------

SOURCE OF FUNDS:

(1) ASETF.....	<u>135,393</u>	
Total Board of Dental Scholarship Awards.....	<u>135,393</u>	<u>135,393</u>

To be expended under the provisions
of Code of Alabama 1975, Sections
16-47-76 through 16-47-81.

9. EDUCATION, STATE BOARD OF -
K-12 FOUNDATION PROGRAM:

(a) Foundation Program.....	2,147,778,233
(b) Transportation Program.....	132,958,664
(c) Board of Adjustment.....	300,000
(d) Endowment Interest Program - Public School Fund.....	532,864
(e) Hold Harmless Program - Public School Fund.....	38,583,910
(f) Capital Outlay Program - Public School Fund.....	23,416,090

SOURCE OF FUNDS:

(1) ASETF.....	2,188,086,601
(2) Public School Fund.....	62,532,864
(3) Local Funds.....	<u>92,950,296</u>

Total State Board of Education - K-12

Foundation Program.....	<u>2,188,086,601</u>	<u>155,483,160</u>	<u>2,343,569,761</u>
-------------------------	----------------------	--------------------	----------------------

The above appropriation shall be distributed by the State Board of Education in accordance with the legislation proposed in House Bill 468 of the 1995 Regular Session and all other laws and regulations of the State Board of Education relating to the expenditure of such funds. These funds shall be used to provide a minimum school term and for equitable educational opportunities in the public schools of the state.

10. EDUCATION, STATE BOARD
OF - POSTSECONDARY PRISON
EDUCATION:

(a) Operations and Maintenance..... 9,021,725

SOURCE OF FUNDS:

(1) ASETF..... 9,021,725

Total State Board of Education -
Postsecondary Prison Education..... 9,021,725 9,021,725

The Operations and Maintenance appropriation above of \$9,021,725 to the State Board of Education for Postsecondary Prison Education is to be distributed to colleges listed herein on a needs basis as determined by the State Board of Education pursuant to a recommendation by the Chancellor. The allocations required herein shall be distributed among the following colleges: (1) John C. Calhoun State Community College; (2) Jefferson Davis State Community College; (3) Gadsden State Community College; (4) J.F. Ingram State Community College; (5) Theodore A. Lawson State Community College; and (6) Chauncey Sparks State Technical College.

11. EDUCATION, STATE BOARD
OF - POSTSECONDARY SKILLS
TRAINING AND EDUCATION:

(a) Operations and Maintenance..... 26,770,121

SOURCE OF FUNDS:

(1) Federal and Local Funds..... 26,770,121

Total State Board of Education -
Postsecondary Skills Training and
Education..... 26,770,121 26,770,121

12. EDUCATION, STATE BOARD
OF - TWO-YEAR COLLEGE
SYSTEM:

(a) Operations and Maintenance..... 155,523,699 108,431,662 263,955,361

(b) Employee Benefits..... 28,362,576 28,362,576

(c) Auxiliary Enterprises..... 18,425,150 18,425,150

(d) Restricted Funds..... 73,420,735 73,420,735

SOURCE OF FUNDS:

(1) ASETF.....	183,886,275		
(2) Federal and Other Funds.....		200,277,547	
Total State Board of Education - Two-Year College System.....	183,886,275	200,277,547	384,163,822

(1) The Operations and Maintenance appropriation from the Alabama Special Educational Trust Fund in (a) above of \$155,523,699 to the State Board of Education for the Two-Year College System is to be distributed to the two-year colleges listed herein on the following formula:

Each community, junior, and technical college shall receive the same proportionate share as was received during the 1994-95 fiscal year under Act No. 94-470.

(2) The allocations required herein shall be distributed among the following colleges: (1) Alabama Aviation and Technical College; (2) Alabama Southern Community College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) Beville State Community College; (6) S.D. Bishop State Community College; (7) John C. Calhoun State Community College; (8) Central Alabama Community College; (9) Chattahoochee Valley State Community College; (10) J.F. Drake State Technical College; (11) Enterprise State Junior College; (12) Faulkner State Community College; (13) Gadsden State Community College; (14) J.F. Ingram State Community College; (15) Jefferson Davis State Community College; (16) Jefferson State Community College; (17) Theodore A. Lawson State Community College; (18) Lurleen B. Wallace State Junior College; (19) Douglas MacArthur State Technical College; (20) Northeast Alabama State Community College; (21) Northwest-Shoals Community College; (22) John M. Patterson State Technical College; (23) Ed E. Reid State Technical College; (24) Shelton State Community College; (25) Snead State Community College; (26) Chauncey Sparks State Technical College; (27) Southern Union State Community College; (28) Council Trenholm State Technical College; (29) George C. Wallace State Community College (Dothan); (30) George C. Wallace State Community College (Hanceville); (31) George C. Wallace State Community College (Selma).

13. EDUCATION, STATE DEPARTMENT OF:

(a) Administrative Services Program.... 34,183,165

The proposed spending plan for the ASETF monies included in the above program is as follows:

Operations and Maintenance of
Department.....13,955,138

Alabama Young Farmers Education
Program.....45,252

To be administered by the Houston
County Board of Education.

Alabama Center for Law and Civic
Education.....56,000

Alabama Teachers of the Year
Program.....25,000

Alabama Writing Project.....100,000

SOURCE OF FUNDS:

(1) ASETF.....	14,181,390		
(2) Federal and Local Funds.....		20,001,775	
Total Administrative Services Program.....	14,181,390	20,001,775	34,183,165
(b) Adult Basic Education Program.....			13,905,670

SOURCE OF FUNDS:

(1) ASETF.....	5,127,646		
(2) Federal and Local Funds.....		8,778,024	
Total Adult Basic Education Program...	5,127,646	8,778,024	13,905,670
(c) Community Education Program.....			1,022,645

SOURCE OF FUNDS:

(1) ASETF.....	811,296		
(2) Federal and Local Funds.....		211,349	
Total Community Education Program...	811,296	211,349	1,022,645
(d) Financial Assistance Program.....			353,081,019

The proposed spending plan for the
ASETF monies included in the
above program is as follows:

Financial Assistance - Pre-School
Program.....2,512,096

SOURCE OF FUNDS:

(1) ASETF.....	2,512,096		
(2) Federal and Local Funds.....		350,568,923	
Total Financial Assistance Program.....	2,512,096	350,568,923	353,081,019
(e) Instructional Technical Assistance Program.....			7,563,419

The proposed spending plan for the
ASETF monies included in the
above program is as follows:

Special Education Adminis-
tration.....337,294

Vocational Education Adminis-
tration.....834,645

National Geographic Grant-Matching
Funds.....50,000

SOURCE OF FUNDS:

(1) ASETF.....	1,221,939		
(2) Federal and Local Funds.....		6,341,480	
Total Instructional Technical Assis- tance Program.....	1,221,939	6,341,480	7,563,419
(f) Support of Other Educational Activities Program.....			12,750

The proposed spending plan for the
ASETF monies included in the
above program is as follows:

Education of Dependents of Blind
Parents.....12,750

SOURCE OF FUNDS:

(1) ASETF.....	12,750	
Total Support of Other Educational Activities Program.....	12,750	12,750

For reimbursement of every state
institution of higher learning,
college, university, community
college, technical college, or junior
college in which benefits are given
to dependents of blind parents
under the provisions of Code of
Alabama 1975, Sections 16-33-1
through 16-33-12.

(g) Disability Determination for Social Security Program.....		31,069,396
--	--	------------

SOURCE OF FUNDS:

(1) Federal and Local Funds.....	31,069,396	
Total Disability Determination for Social Security Program.....	31,069,396	31,069,396

TOTAL DEPARTMENT OF
EDUCATION:

SOURCE OF FUNDS:

(1) ASETF.....	23,867,117	
(2) Federal and Local Funds.....	416,970,947	
GRAND TOTAL STATE DEPART- MENT OF EDUCATION.....	23,867,117	416,970,947 440,838,064

14. EDUCATIONAL TELEVISION
COMMISSION:

(a) Educational Television and Public Radio Service Program.....		8,214,189
---	--	-----------

Of the above appropriation, \$150,000
shall be allocated for the
"Discovering Alabama" TV Series.

(b) Capital Outlay Program..... 449,500

Of the above appropriation, \$322,000
is for land acquisition costs
associated with WEIQ in Mobile
and \$127,500 is for equipment
replacement/upgrade purposes.

SOURCE OF FUNDS:

(1) ASETF.....	6,248,389		
(2) Federal and Local Funds.....		2,415,300	
Total Educational Television Commission.....	6,248,389	2,415,300	8,663,689

15. EXAMINERS OF PUBLIC
ACCOUNTS, DEPARTMENT OF:

(a) Educational Audit Services
Program..... 1,323,994

SOURCE OF FUNDS:

(1) ASETF.....	1,323,994	
Total Department of Examiners of Public Accounts.....	1,323,994	1,323,994

16. FAMILY PRACTICE RURAL
HEALTH BOARD:

(a) Family Practice Rural Health
Program..... 733,540

SOURCE OF FUNDS:

(1) ASETF.....	733,540	
Total Family Practice Rural Health Board.....	733,540	733,540

17. FINANCE, DEPARTMENT OF:

(a) Administrative Support Services Program.....	212,131
--	---------

To be expended for education and training for the Governmental Accountant and Auditor Training Program and the Certified Public Manager Program.

SOURCE OF FUNDS:

(1) ASETF.....	<u>212,131</u>	
Total Department of Finance.....	<u>212,131</u>	<u>212,131</u>

18. FINANCE, DEPARTMENT OF -
TELECOMMUNICATIONS DIVI-
SION, TELEPHONE REVOLVING
FUND:

(a) Administrative Support Services Program.....	3,484,957
--	-----------

SOURCE OF FUNDS:

(1) ASETF-Transfer.....	<u>3,484,957</u>	
Total Department of Finance - Telecommunications Division, Telephone Revolving Fund.....	<u>3,484,957</u>	<u>3,484,957</u>

The Telephone Revolving Fund shall assess to using agencies and institutions any additional amount necessary to provide continuing non-interrupted service of a minimum maintenance level.

19. FINE ARTS, ALABAMA SCHOOL
OF:

(a) Fine Arts Program.....	3,793,590
----------------------------	-----------

SOURCE OF FUNDS:

(1) ASETF.....	3,383,590
----------------	-----------

(2) Federal and Local Funds.....		<u>410,000</u>	
Total Alabama School of Fine Arts.....	<u>3,383,590</u>	<u>410,000</u>	<u>3,793,590</u>

20. FIREFIGHTERS' PERSONNEL
STANDARDS AND EDUCATION
COMMISSION, ALABAMA/
ALABAMA STATE FIRE
COLLEGE-SHELTON STATE
COMMUNITY COLLEGE:

(a) Operations and Maintenance.....	2,646,229	1,481,873	4,128,102
(b) Employee Benefits.....	150,832		150,832
(c) Auxiliary Enterprises.....		<u>755,024</u>	<u>755,024</u>

SOURCE OF FUNDS:

(1) ASETF.....	2,797,061		
(2) Federal and Other Funds.....		<u>2,236,897</u>	

Total Alabama Firefighters' Personnel
Standards and Education
Commission/Alabama State Fire
College - Shelton State Community
College.....

<u>2,797,061</u>	<u>2,236,897</u>	<u>5,033,958</u>
------------------	------------------	------------------

Of the above appropriation of
\$2,646,229 from the ASETF, the
sum of \$63,545 shall be used for
training and instructional equipment
and the development and delivery
of hazardous materials training.

21. HIGHER EDUCATION, ALABAMA
COMMISSION ON:

(a) Planning and Coordination Services Program.....	2,536,808
--	-----------

The proposed spending plan for the
ASETf monies included in the
above program is as follows:

Operations and Maintenance.....	2,536,808
---------------------------------	-----------

SOURCE OF FUNDS:

(1) ASETF..... 2,536,808

Total Planning and Coordination
Services Program (Total
Operations)..... 2,536,808 2,536,808

(b) Student Financial Aid Program..... 9,236,279

The proposed spending plan for the
ASETF monies included in the
above program is to be distributed
through ACHE as follows:

(1) Educational Grants
Program.....5,000,000

(2) Alabama National Guard Educa-
tional Assistance.....600,000

To be expended in accordance with
Code of Alabama 1975, Sections
31-10-1 through 31-10-4 and Act
93-910.

(3) Teacher Education Scholarship
Loan Program.....500,000

To be expended in accordance with
Code of Alabama 1975, Section
16-23-24.

(4) Chiropractic Scholarships.....37,986

To be expended in accordance with
Code of Alabama 1975, Section
16-5-11.

(5) Policeman's Survivor Tuition,
Estimated.....60,000

To be expended under the
provisions of Code of Alabama
1975, Section 36-21-105.

(6) Alabama Student Assistance
Program.....1,547,471

SOURCE OF FUNDS:

(1) ASETF.....	7,745,457		
(2) Federal and Local Funds.....		1,490,822	
Total Student Financial Aid Program....	<u>7,745,457</u>	<u>1,490,822</u>	<u>9,236,279</u>
(c) Support of Other Educational Activities Program.....			3,486,755

The proposed spending plan for the ASETF monies included in the above program is to be distributed through ACHE as follows:

- (1) Network of Alabama Academic.....
Libraries (NAAL).....400,000
- (2) Southern Regional Education
Board (SREB).....446,975
- (3) EPSCoR-National Science Founda-
tion Program.....850,000

In addition to the above appropriation to ESPCoR, there is hereby appropriated \$150,000 from the ASETF to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

- (4) Computer-Based Articulation
System.....446,461

To fund Troy State University for developing and operating a state-wide computer-based articulation system to serve all four-year and two-year postsecondary institutions in the State of Alabama.

- (5) Alabama Small Business Develop-
ment Consortium.....

There is hereby appropriated to the Alabama Small Business Development Consortium \$200,000 from the ASETF to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

SOURCE OF FUNDS:

(1) ASETF.....	2,143,436		
(2) Federal and Local Funds.....		1,343,319	
Total Support of Other Educational Activities Program.....	2,143,436	1,343,319	3,486,755
(d) Alabama Guaranteed Student Loan Program.....			23,079,654

SOURCE OF FUNDS:

(1) Federal and Local Funds.....	23,079,654		
Total Alabama Guaranteed Student Loan Program.....	23,079,654	23,079,654	

TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION:

SOURCE OF FUNDS:

(1) ASETF.....	12,425,701		
(2) Federal and Local Funds.....		25,913,795	
GRAND TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION.....	12,425,701	25,913,795	38,339,496

22. HUMAN RESOURCES, DEPARTMENT OF:

(a) Jobs Opportunities and Basic Skills Training (JOBS) Program.....			4,134,058
(b) JOBS Child Care and After School Child Care Program.....			3,651,195

SOURCE OF FUNDS:

(1) ASETF.....	7,785,253		
Total Department of Human Resources.....	7,785,253		7,785,253

Of the total state and federal dollars received by the Department of Human Resources for the JOBS program, at least \$1.1 million shall be used to contract with the Department of Education-Adult Basic Education Program for educational services to JOBS participants.

23. INDUSTRIAL DEVELOPMENT
TRAINING INSTITUTE, ALABAMA:

(a) Industrial Training Program.....	1,839,901	156,264	1,996,165
(b) Industrial Development Program.....	6,168,552		6,168,552
(c) Employee Benefits.....	207,721		207,721

SOURCE OF FUNDS:

(1) ASETF.....	8,216,174		
(2) Federal and Other Funds.....		156,264	
Total Alabama Industrial Development Training Institute.....	8,216,174	156,264	8,372,438

Of the above appropriation to the Alabama Industrial Development Training Institute, \$500,000 shall be expended for retraining programs for Gulf States Steel Corporation and for Goodyear Tire Company to be conducted by Gadsden State Community College; \$500,000 shall be expended to fund the operation of the Michelin Training Center; \$300,000 shall be expended for training for the Tire Recycling Center at Shelton State Community College; \$300,000 shall be

expended for the Job Corps Training Center at Council Trenholm State Technical College; \$350,000 shall be transferred to the University of Alabama in Huntsville for an Advanced Technology Transfer Program.

24. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program.....	51,000
--	--------

SOURCE OF FUNDS:

(1) ASETF.....	51,000	
Total Alabama Law Institute.....	51,000	51,000

25. LIBRARY SERVICE, ALABAMA PUBLIC:

(a) Public Library Service Program.....	8,929,559
---	-----------

SOURCE OF FUNDS:

(1) ASETF.....	7,281,148		
(2) Federal and Local Funds.....		1,648,411	
Total Alabama Public Library Service...	7,281,148	1,648,411	8,929,559

Of the above appropriation, a minimum of \$4,549,347 is to be distributed to the public libraries within the state.

26. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program.....	3,145,047
(b) Employee Benefits.....	127,469

SOURCE OF FUNDS:

(1) ASETF.....	2,361,218
----------------	-----------

(2) Federal and Other Funds.....	911,298		
----------------------------------	---------	--	--

Total Marine Environmental Sciences Consortium.....	2,361,218	911,298	3,272,516
---	-----------	---------	-----------

27. MATHEMATICS AND SCIENCE,
ALABAMA SCHOOL OF:

(a) Mathematics and Science Program.....	3,983,907
--	-----------

SOURCE OF FUNDS:

(1) ASETF.....	3,959,907
----------------	-----------

(2) Federal and Local Funds.....	24,000
----------------------------------	--------

Total Alabama School of Mathematics and Science.....	3,959,907	24,000	3,983,907
--	-----------	--------	-----------

28. MEDICAL SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....	520,801
--	---------

SOURCE OF FUNDS:

(1) ASETF.....	520,801
----------------	---------

Total Board of Medical Scholarship Awards.....	520,801	520,801
--	---------	---------

To be expended under the provisions
of Code of Alabama 1975, Sections
16-47-121 through 16-47-129.

29. MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT
OF:

(a) Mental Illness Program.....	8,847,187
---------------------------------	-----------

(b) Mental Retardation Program.....	5,536,509
-------------------------------------	-----------

(c) Substance Abuse Program.....	788,979
----------------------------------	---------

Of the above appropriation, \$300,000 shall be expended for Alzheimer's Disease Education and Training.

SOURCE OF FUNDS:

(1) ASETF.....	<u>15,172,675</u>	
Total Department of Mental Health and Mental Retardation.....	<u>15,172,675</u>	<u>15,172,675</u>

The Department of Mental Health and Mental Retardation shall enter into contracts with local school systems to reimburse those school systems for education and education-related services provided to children under the care of the Department of Mental Health and Mental Retardation.

30. MONTGOMERY INTERNAL MEDICINE RESIDENCY PROGRAM:

(a) Support of Other Educational Activities Program.....	<u>162,350</u>
--	----------------

SOURCE OF FUNDS:

(1) ASETF.....	<u>162,350</u>	
Total Montgomery Internal Medicine Residency Program.....	<u>162,350</u>	<u>162,350</u>

The above appropriation to the Montgomery Internal Medicine Residency Program from the ASETF shall be in addition to the funds received by said program from the University of Alabama at Birmingham (UAB), and the funds allocated to the Montgomery Internal Medicine Residency Program from UAB shall not be diminished from the amount allocated in fiscal year 1994-95.

**31. MUSIC HALL OF FAME,
ALABAMA:**

(a) Support of Other Educational Activities Program.....	145,800
---	---------

SOURCE OF FUNDS:

(1) ASETF.....	<u>145,800</u>	
Total Alabama Music Hall of Fame.....	<u>145,800</u>	<u>145,800</u>

**32. NURSING, ALABAMA BOARD
OF:**

(a) Professional and Occupational Licensing and Regulation Program.....	43,849
---	--------

SOURCE OF FUNDS:

(1) ASETF-Transfer-as provided in Code of Alabama 1975, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships.....	<u>43,849</u>	
Total Alabama Board of Nursing.....	<u>43,849</u>	<u>43,849</u>

**33. OPTOMETRIC SCHOLARSHIP
AWARDS, BOARD OF:**

(a) Support of Other Educational Activities Program.....	114,622
---	---------

SOURCE OF FUNDS:

(1) ASETF.....	<u>114,622</u>	
Total Board of Optometric Scholarship Awards.....	<u>114,622</u>	<u>114,622</u>

To be expended under the provisions
of the Code of Alabama 1975,
Sections 34-22-60 through
34-22-65.

34. PEACE OFFICERS' STANDARDS
AND TRAINING COMMISSION,
ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....	405,136
(b) Certified Law Enforcement Acade- my Program.....	1,062,900

Of the above appropriation for the
Certified Law Enforcement Acade-
my Program, the \$612,900 of
ASETF monies included therein
shall be expended as follows:

Northeast Police Academy.....	159,354
University of Alabama.....	159,354
Southwest Police Academy.....	159,354
Alabama Police Academy.....	85,806
Montgomery Police Academy....	<u>49,032</u>
Total.....	612,900

SOURCE OF FUNDS:

(1) ASETF.....	1,018,036		
(2) Alabama Peace Officers' Standards and Training Fund-as provided in Code of Alabama 1975, Sections 36-21-40 through 36-21-51.....		<u>450,000</u>	
Total Alabama Peace Officers' Standards and Training Commission.....	<u>1,018,036</u>	<u>450,000</u>	<u>1,468,036</u>

35. POSTSECONDARY EDUCATION
DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program.....	2,367,558
---	-----------

(b) Environmental Consortium.....	200,000
-----------------------------------	---------

SOURCE OF FUNDS:

(1) ASETF.....	2,104,336		
(2) Federal and Local Funds.....		463,222	
Total Postsecondary Education Department.....	2,104,336	463,222	2,567,558

36. PRORATION PREVENTION
ACCOUNT:

(a) Proration Prevention Account Program.....	1,500,000
--	-----------

SOURCE OF FUNDS:

(1) ASETF.....	1,500,000		
Total Proration Prevention Account.....	1,500,000		1,500,000

37. SOIL AND WATER CONSER-
VATION COMMITTEE, STATE:

(a) Soil Conservation Program.....	21,250
------------------------------------	--------

SOURCE OF FUNDS:

(1) ASETF.....	21,250		
Total State Soil and Water Conserva- tion Committee.....	21,250		21,250

38. SPORTS HALL OF FAME,
ALABAMA:

(a) Scholarship Program.....	200,000
------------------------------	---------

SOURCE OF FUNDS:

(1) ASETF.....	200,000		
Total Alabama Sports Hall of Fame.....	200,000		200,000

39. SUPERCOMPUTER AUTHORITY,
ALABAMA:

(a) Administrative Support Services Program.....	7,057,520
---	-----------

The above appropriation is to be
expended in accordance with
Sections 41-10-390 through
41-10-406, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ASETF-Transfer.....	2,500,000		
(2) Supercomputer Revolving Fund, Estimated.....		4,557,520	
Total Alabama Supercomputer Authority.....	2,500,000	4,557,520	7,057,520

In addition to the above appropriation,
there is hereby appropriated to the
Alabama Supercomputer Authority
\$3,533,122 from the ASETF to be
conditioned on the availability of
funds in the ASETF and the ap-
proval of the Governor.

40. TENURE COMMISSION, STATE:

(a) Regulation Program.....	8,264
-----------------------------	-------

SOURCE OF FUNDS:

(1) ASETF.....	8,264	
Total State Tenure Commission.....	8,264	8,264

41. VETERANS' AFFAIRS, DEPART-
MENT OF:

(a) Administration of Veterans' Affairs Program.....	6,038,544
---	-----------

SOURCE OF FUNDS:

(1) ASETF-Transfer.....	6,038,544	
Total Department of Veterans' Affairs...	6,038,544	6,038,544

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every state institution of higher learning, college, university, community college, junior college, or technical college in which benefits are given to veterans, their spouses, widows, or children under the provisions of Code of Alabama 1975, Sections 31-6-1 through 31-6-17.

42. YOUTH SERVICES, DEPARTMENT OF:

(a) Financial Assistance Program..... 7,357,164

The above appropriation for Financial Assistance Program includes \$6,221,086 of ASETF monies. The above appropriation shall be expended by the Youth Services Department School District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77.

SOURCE OF FUNDS:

(1) ASETF.....	6,221,086		
(2) Federal and Local Funds.....		1,136,078	
Total Department of Youth Services.....	6,221,086	1,136,078	7,357,164

SECTION 4.

COLLEGES, UNIVERSITIES AND
SCHOOLS:

I. BOARD OF TRUSTEES OF UNI-
VERSITY OF ALABAMA

(a) Operations and Maintenance and Program Support for the University of Alabama at Tuscaloosa.....	92,180,632	68,917,599	161,098,231
(b) Teachers' Retirement - University of Alabama at Tuscaloosa.....	9,680,234		9,680,234

The above amounts distributed to the President of the University of Alabama for operations and maintenance funding shall include support for such entities as Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Nursing Scholarships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; Sports Medicine; Alabama Museum of Natural History; College of Community Health Sciences; University Research Library; Research, Extension and Public Service; School of Mines and Energy Development; Computer Research and Development; Rural Infant Stimulation Environment Program; High Risk Nursery; Safe State Program; Tannehill Learning Center.

(c) Operations and Maintenance and Program Support for the University of Alabama at Birmingham.....	148,593,963	642,082,604	790,676,567
(d) Teachers' Retirement - University of Alabama at Birmingham.....	29,763,321		29,763,321

The above amounts distributed to the President of the University of Alabama at Birmingham for operations and maintenance funding shall include support for such entities as University College; Family Practice Residency Programs at Anniston, East End, Jefferson County, Montgomery, Selma and Gadsden; School of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Educational Finance Initiative; Department of Pediatrics and Children's Hospital; Center for Labor Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research Program; Medical Genetics Program; Nursing Scholarships; Program Enhancement/Minority Recruitment; Minority Faculty Development Program; Science, Engineering and Education Program; Molecular Genetic and Biotechnology Program; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research;

Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences; Parkinson's Disease-Medical Research; Walker Community College; Minority Business Training-Economic Development; National Biomedical Tracer Center; Athletic Trainers Program.

(e) Operations and Maintenance and Program Support for the University of Alabama in Huntsville.....	30,880,561	25,795,968	56,676,529
(f) Teachers' Retirement - University of Alabama in Huntsville.....	3,355,934		3,355,934

The above amounts distributed to the President of the University of Alabama in Huntsville for operations and maintenance funding shall include support for the following entities: \$4,795,161 for the School of Primary Medical Care; \$2,490,970 for the Ambulatory Care Center; \$340,822 for Paramedic Training; \$23,879 for the Community Medicine Rural Preceptorship Program; Kenneth E. Johnson Research Center; Space Initiative; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Rural Primary Care Clerkship; Research Institute; Developmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.

(g) Special Mental Health and Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham.....	4,098,696	4,098,696
(h) Alabama SchoolFest Program, University of Alabama.....	820,458	820,458
(i) Bevill Center for Advanced Manu- facturing Technology.....	350,000	350,000
(j) Bevill Advanced Electronics Center.....	350,000	350,000
(k) Bevill Center for Advanced Tele- communication Technology.....	350,000	350,000
(l) Bevill Center for Advanced Environ- mental Technology.....	350,000	350,000
(m) Bevill Center for Advanced Biotechnology.....	350,000	350,000
(n) Auxiliary Enterprises.....	73,503,187	73,503,187
(o) Restricted Funds.....	<u>218,414,375</u>	<u>218,414,375</u>

SOURCE OF FUNDS:

(1) ASETF.....	321,123,799		
(2) Federal and Other Funds.....	<u>1,028,713,733</u>		
Total Board of Trustees of University of Alabama.....	<u>321,123,799</u>	<u>1,028,713,733</u>	<u>1,349,837,532</u>

II. BOARD OF TRUSTEES OF
ALABAMA A&M UNIVERSITY

(a) Operations and Maintenance and Program Support.....	22,833,757	14,588,953	37,422,710
(b) Teachers' Retirement.....	2,046,919		2,046,919
(c) Auxiliary Enterprises.....		5,701,017	5,701,017

REGULAR SESSION
19th Day

1811

(d) Restricted Funds.....	17,150,734	17,150,734
---------------------------	------------	------------

SOURCE OF FUNDS:

(1) ASETF.....	24,880,676	
----------------	------------	--

(2) Federal and Other Funds.....	37,440,704	
----------------------------------	------------	--

Total Board of Trustees of Alabama A&M University.....	24,880,676	37,440,704	62,321,380
---	------------	------------	------------

III. BOARD OF TRUSTEES OF
ALABAMA STATE UNIVERSITY

(a) Operations and Maintenance and Program Support.....	23,466,855	11,914,282	35,381,137
--	------------	------------	------------

(b) Teachers' Retirement.....	1,762,737		1,762,737
-------------------------------	-----------	--	-----------

(c) Auxiliary Enterprises.....		8,441,788	8,441,788
--------------------------------	--	-----------	-----------

(d) Restricted Funds.....	11,728,389	11,728,389	
---------------------------	------------	------------	--

SOURCE OF FUNDS:

(1) ASETF.....	25,229,592	
----------------	------------	--

(2) Federal and Other Funds.....	32,084,459	
----------------------------------	------------	--

Total Board of Trustees of Alabama State University.....	25,229,592	32,084,459	57,314,051
---	------------	------------	------------

IV. BOARD OF TRUSTEES OF
ALABAMA STATE UNIVERSITY

(a) Alabama State University-Miles College Consortium.....	352,000	352,000	
---	---------	---------	--

SOURCE OF FUNDS:

(1) ASETF.....	352,000	
----------------	---------	--

Total Alabama State University-Miles College Consortium.....	352,000	352,000	
---	---------	---------	--

V. STATE BOARD OF EDUCATION -
ATHENS STATE COLLEGE

(a) Operations and Maintenance and Program Support.....	5,845,312	4,569,918	10,415,230
(b) Teachers' Retirement.....	1,173,426		1,173,426
(c) Auxiliary Enterprises.....		578,037	578,037
(d) Restricted Funds.....		1,445,475	1,445,475

SOURCE OF FUNDS:

(1) ASETF.....	7,018,738		
(2) Federal and Other Funds.....		6,593,430	
Total State Board of Education-Athens State College.....	7,018,738	6,593,430	13,612,168

In addition to the above appropriation from the ASETF to Athens State College, there is hereby appropriated the amount of \$1,279,466 to be conditioned upon the availability of funds in the ASETF and upon approval of the Governor. This is to be the first priority conditional and shall be released in full before any other conditional appropriation from the ASETF may be released.

VI. BOARD OF TRUSTEES OF
AUBURN UNIVERSITY

(a) Operations and Maintenance and Program Support.....	159,061,840	96,423,248	255,485,088
(b) Teachers' Retirement.....	14,398,800		14,398,800
(c) Auxiliary Enterprises.....		47,505,668	47,505,668
(d) Restricted Funds.....		65,017,360	65,017,360

SOURCE OF FUNDS:

**REGULAR SESSION
19th Day**

1813

(1) ASETF.....	173,460,640		
(2) Federal and Other Funds.....		<u>208,946,276</u>	
Total Board of Trustees of Auburn University.....	<u>173,460,640</u>	<u>208,946,276</u>	<u>382,406,916</u>

VII. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY

(a) Operations and Maintenance and Program Support.....	22,363,380	14,582,240	36,945,620
(b) Teachers' Retirement.....	2,101,897		2,101,897
(c) Auxiliary Enterprises.....		3,163,878	3,163,878
(d) Restricted Funds.....		<u>6,499,151</u>	<u>6,499,151</u>

SOURCE OF FUNDS:

(1) ASETF.....	24,465,277		
(2) Federal and Other Funds.....		<u>24,245,269</u>	
Total Board of Trustees of Jacksonville State University.....	<u>24,465,277</u>	<u>24,245,269</u>	<u>48,710,546</u>

VIII. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY

(a) Operations and Maintenance and Program Support.....	7,311,310	4,047,603	11,358,913
(b) Teachers' Retirement.....	718,310		718,310
(c) Auxiliary Enterprises.....		2,669,045	2,669,045
(d) Restricted Funds.....		<u>375,400</u>	<u>375,400</u>

SOURCE OF FUNDS:

(1) ASETF.....	8,029,620		
(2) Federal and Other Funds.....		<u>7,092,048</u>	
Total Board of Trustees of Livingston University.....	<u>8,029,620</u>	<u>7,092,048</u>	<u>15,121,668</u>

IX. BOARD OF TRUSTEES OF
UNIVERSITY OF MONTEVALLO

(a) Operations and Maintenance and Program Support.....	11,608,672	7,436,766	19,045,438
(b) Teachers' Retirement.....	1,139,905		1,139,905
(c) Minority Student Recruitment Program.....	125,000		125,000
(d) Auxiliary Enterprises.....		4,742,804	4,742,804
(e) Restricted Funds.....		<u>2,241,781</u>	<u>2,241,781</u>

SOURCE OF FUNDS:

(1) ASETF.....	12,873,577		
(2) Federal and Other Funds.....		<u>14,421,351</u>	

Total Board of Trustees of University of Montevallo.....	<u>12,873,577</u>	<u>14,421,351</u>	<u>27,294,928</u>
--	-------------------	-------------------	-------------------

X. BOARD OF TRUSTEES OF
UNIVERSITY OF NORTH
ALABAMA

(a) Operations and Maintenance and Program Support.....	16,277,809	10,957,313	27,235,122
(b) Teachers' Retirement.....	1,751,778		1,751,778
(c) Auxiliary Enterprises.....		3,088,141	3,088,141
(d) Restricted Funds.....		<u>1,001,207</u>	<u>1,001,207</u>

SOURCE OF FUNDS:

(1) ASETF.....	18,029,587		
(2) Federal and Other Funds.....		<u>15,046,661</u>	

Total Board of Trustees of University of North Alabama.....	<u>18,029,587</u>	<u>15,046,661</u>	<u>33,076,248</u>
---	-------------------	-------------------	-------------------

**XI. BOARD OF TRUSTEES OF
UNIVERSITY OF SOUTH
ALABAMA**

(a) Operations and Maintenance and Program Support.....	55,652,606	207,122,748	262,775,354
(b) Teachers' Retirement.....	13,425,092		13,425,092
(c) Auxiliary Enterprises.....		11,366,591	11,366,591
(d) Restricted Funds.....		<u>20,000,000</u>	<u>20,000,000</u>

SOURCE OF FUNDS:

(1) ASETF.....	69,077,698		
(2) Federal and Other Funds.....		<u>238,489,339</u>	
Total Board of Trustees of University of South Alabama.....	<u>69,077,698</u>	<u>238,489,339</u>	<u>307,567,037</u>

**XII. BOARD OF TRUSTEES OF
TROY STATE UNIVERSITY**

(a) Operations and Maintenance and Program Support for Troy State University.....	15,517,237	34,673,218	50,190,455
(b) Operations and Maintenance and Program Support for Troy State University at Dothan.....	4,299,456	5,190,279	9,489,735
(c) Operations and Maintenance and Program Support for Troy State University at Montgomery.....	4,681,629	4,843,476	9,525,105
(d) Teachers' Retirement.....	2,921,997		2,921,997
(e) Auxiliary Enterprises.....		9,962,068	9,962,068
(f) Restricted Funds.....		<u>6,294,086</u>	<u>6,294,086</u>

SOURCE OF FUNDS:

(1) ASETF.....	27,420,319		
(2) Federal and Other Funds.....		<u>60,963,127</u>	
Total Board of Trustees of Troy State University.....	<u>27,420,319</u>	<u>60,963,127</u>	<u>88,383,446</u>

**XIII. BOARD OF TRUSTEES OF
ALABAMA INSTITUTE FOR DEAF
AND BLIND**

(a) Adult Programs.....	4,881,130	4,380,300	9,261,430
(b) Children and Youth Programs.....	14,411,581	1,555,099	15,966,680
(c) Industries for the Blind.....	2,576,152	11,861,048	14,437,200
(d) Employee Benefits.....	4,507,711		4,507,711

SOURCE OF FUNDS:

(1) ASETF.....	26,376,574		
(2) Federal and Other Funds.....		17,796,447	
Total Board of Trustees of Alabama Institute for Deaf and Blind.....	26,376,574	17,796,447	44,173,021

SECTION 5. No other funds provided herein for the public schools, including funds in Section 3.A.9., shall be used for the payment of any salaries of personnel not under the direct control, employment, and supervision of local boards of education. No funds provided herein for the two-year postsecondary schools under the auspices of the State Board of Education shall be used for the payment of any salaries of personnel not under the direct control, employment and supervision of said institutions.

SECTION 6. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 7. The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. Furthermore, the Executive Director of the Alabama Commission on Higher Education may submit to the Comptroller requests for timely payments of warrants to students receiving financial assistance to attend postsecondary educational institutions. All other appropriations in this Act shall be paid after proper requisitions are made on the State Comptroller in the manner now provided by law.

SECTION 8. (a) Funds appropriated from the ASETF or earmarked state funds in this Act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education and postsecondary institutions of education) shall not be expended for the purchase or lease of automotive vehicles. A state agency funded from the ASETF or earmarked state funds in this Act may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

(c) On the last day of this fiscal year, each state school, college, department, agency, or like institution receiving funds under this act shall file a report with the Legislature detailing purchases of new motor vehicles during the fiscal year, including complete information on the date of purchase, make and model of the vehicle, standard equipment on the vehicle, optional equipment on the vehicle, and a complete inventory of all state motor vehicles assigned to, being used by, or being leased by the state school, college, department, agency, or like institution receiving funds under this Act, and shall also submit an inventory report of all motor vehicles that it operates that do not have state vehicle identification license tags.

SECTION 9. It is the intent of the Legislature that all salary increases granted to lunchroom workers by the Legislature beginning October 1, 1993 and October 1, 1994 shall be fully funded by local school boards from state funds provided in this Act and not from funds generated by lunchroom sales. A school board may obtain a waiver from the provisions of this section for a particular

school or schools by applying for such a waiver in writing to the State Superintendent of Education. The State Superintendent may recommend a waiver in writing if the facts presented by the local school board warrant such a waiver and the state school board approves the waiver.

SECTION 10. It is the intent of the Legislature that Teacher Inservice Centers at the existing Inservice Educational Centers continue to be funded from Professional Development funds generated by the K-12 Foundation Program funded in Section 3.A.9. of this Act. Such centers shall be evaluated by the State Department of Education and recommendations as to the effectiveness of each center shall be made to the State Board of Education, the Governor and the Legislature prior to December 31, 1996.

SECTION 11. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 12. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the general appropriation act for the fiscal year ending September 30, 1996. All agencies enumerated in this Act that receive services from other governmental agencies enumerated in the general appropriations act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 13. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or earmarked fund from which the appropriation or appropriations were made.

SECTION 14. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 15. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 16. This Act shall become effective on October 1, 1995.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Fuller was adopted.

Yeas 105; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-105

AMENDMENT OFFERED

Representative Drake offered the following amendment to the bill, H. 235, as amended:

On page 37, line 27, insert a new Section 14 as follows, and renumber subsequent sections accordingly:

Section 14. There is a conditional appropriation to each member of the House of Representatives of fifty thousand dollars (\$50,000).



AMENDMENT TABLED

On motion of Representative Fuller, the amendment offered by Representative Drake to the bill, H. 235, as amended, was tabled.

Yeas 95; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

Nay:

Representatives Drake and Letson.

- 2

AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, H. 235, as amended:

Amend House Bill 235 as substituted on page 7 by striking lines 30 through 33 in their entirety and inserting in lieu thereof the following: "Two-Year College System is to be distributed to the two-year colleges listed herein on a needs basis as determined by the State Board of Education pursuant to a recommendation by the Chancellor."

AMENDMENT TABLED

On motion of Representative Turner, the amendment offered by Representative Payne to the bill, H. 235, as amended, was tabled.

Yeas 74; Nays 17.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hilliard, Hogan, Hooper, Johnson (R),

Jorgensen, Kennedy, Knight (J), Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Mitchell, Moore, Morrison, Morrow, Newton (C), Page, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-74

Nay:

Representatives Carns, Curry, Gaines, Hawkins, Houston, Johnson (E), McAdory, Minnifield, Morton, Murphree, Newton (D), Papucci, Payne, Petelos, Sanderson, Thomas (D) and Townsend.

-17

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 517. To establish the Osteoporosis Prevention and Treatment Education Program within the State Department of Health and to provide financing for the program.

Also:

S. 368. To amend Section 32-7-5 and Section 32-7-6 of the Code of Alabama 1975, the Motor Vehicle Safety Responsibility Act; to increase the time allowed for the operator or owner of a motor vehicle to file the required forms after a motor vehicle accident and to provide that reinstatement fees will not be assessed on suspension if proper documentation is provided that acceptable insurance was in effect at the time of the motor vehicle accident.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

H. 235 RESUMED**AMENDMENT OFFERED**

Representative Turnham offered the following amendment to the bill, H. 235, as amended:

Page 25 Line 28 after the word "Tuscaloosa" add the word "estimated".

Page 26 Line 26 after the word "Birmingham" add the word "estimated".

Page 28 Line 23 after the word "Huntsville" add the word "estimated".

Page 30 Line 6 after the words "Teacher Retirement" add the word "estimated".

Page 30 Line 18 after the words "Teacher Retirement" add the word "estimated".

Page 31 Line 5 after the words "Teacher Retirement" add the word "estimated".

Page 31 Line 28 after the words "Teacher Retirement" add the word "estimated".

Page 32 Line 11 after the words "Teacher Retirement" add the word "estimated".

Page 32 Line 23 after the words "Teacher Retirement" add the word "estimated".

Page 33 Line 5 after the words "Teacher Retirement" add the word "estimated."

Page 33 Line 19 after the words "Teacher Retirement" add the word "estimated".

Page 33 Line 31 after the words "Teacher Retirement" add the word "estimated".

Page 34 Line 16 after the words "Teacher Retirement" add the word "estimated".

AMENDMENT TABLED

On motion of Representative Fuller, the amendment offered by Representative Turnham to the bill, H. 235, as amended, was tabled.

Yeas 91; Nays 2.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Venable, Warren, White and Wren.

-91

Nay:

Representatives Knight (A) and Turnham.

- 2

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 330. To provide for the regulation and licensure of professional geologists; to provide for the Alabama Board of Licensure for Professional Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

TOMMY CARTER
Chairman

And the bill, H. 330, as engrossed, was ordered sent to the Senate.

H. 235 RESUMED

And the bill:

H. 235. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 105; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-105

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 237, was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T),

Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, White, Willis and Wren.

-93

And the bill:

H. 237. (With Substitute): To make an appropriation of \$1,439,112 from the Alabama Special Educational Trust Fund for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$1,439,112 from the Alabama Special Educational Trust Fund for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1996, the sum of \$1,439,112, out of the funds in the Alabama Special Educational Trust Fund to the Sickie Cell Education Program as follows:

- (a) Jefferson County Sickie Cell Detection Committee, Inc.....\$262,920
- (b) Sickie Cell Disease Association of Gulf Coast, Alabama.....\$250,917

Of the above appropriation to the Alabama Sickie Cell Disease Association of Gulf Coast, the amount of \$7,000 shall be used for lab testing.

- (c) Sickie Cell Foundation of Greater Montgomery, Inc.....\$141,863
- (d) Southeast Alabama Sickie Cell Association.....\$189,565

Of the above appropriation to the Southeast Alabama Sickle Cell Association, the amount of \$50,000 shall be used for sickle cell services in Lee County.

- (e) Tri-County West Central Alabama Sickle Cell Anemia Association, Inc.....\$103,835
- (f) North Alabama Sickle Cell Program.....\$155,817
- (g) West Alabama Sickle Cell Program.....\$57,000
- (h) Children's Hospital of Birmingham.....\$41,132
- (i) Children's and Women's Hospital - Comprehensive Sickle Cell Center.....\$236,063

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

And the bill:

H. 237. To make an appropriation of \$1,439,112 from the Alabama Special Educational Trust Fund for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 100; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-100

Nay:

Representative Seibenhener.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 238, was adopted.

Yeas 101; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson,

Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-101

And the bill:

H. 238. (With Substitute): To make an appropriation to the Department of Public Health in the amount of \$9,971,144 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, for educational purposes.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation to the Department of Public Health in the amount of \$10,371,144 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, for educational purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Public Health from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, the sum of \$10,371,144 for the following programs:

(a)	Health Support Services Program	7,006,907
-----	---------------------------------	-----------

The above appropriation shall be expended for the continuation of the programs in public school sanitation, licensure and certification, immunization activities at the county level, primary preventive health education, patient education and child health.

(b)	Personal Health Services Program	2,964,237
-----	----------------------------------	-----------

The above appropriation shall be expended for continuation of the programs for immunization of pre-school children and students, dental health, tuberculosis and nursing services.

(c) Rural Nurses Training Program 400,000

Section 2. The above appropriation is for educational purposes which shall include but not be limited to providing for public school food sanitation, mandated immunization of pre-school children and primary preventive health education, patient education and nurses training.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective on October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 100; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-100

And the bill:

H. 238. To make an appropriation to the Department of Public Health in the amount of \$10,371,144 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, for educational purposes.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 100; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-100

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 239, was adopted.

Yeas 100; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-100

And the bill:

H. 239. (With Substitute): To make an appropriation to the Department of Public Health in the amount of \$4,180,831 from the Alabama Special Educational Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1996.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

To make an appropriation to the Department of Public Health in the amount of \$4,180,831 from the Alabama Special Educational Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1996.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the substitute offered by the Standing Committee on Ways and Means to the bill, H. 239:

A BILL TO BE ENTITLED AN ACT

To make an appropriation to the Department of Public Health in the amount of \$4,240,831 from the Alabama Special Educational Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Public Health for the fiscal year ending September 30, 1996, the sum of \$4,240,831 from the Alabama Special Educational Trust Fund to be used as follows:

- (1) For funding Birmingham Regional Medical Services System, \$335,100;
- (2) For funding East Alabama Emergency Medical Services, Inc., \$335,100;
- (3) For funding North Alabama Emergency Medical Services, Inc., \$335,100;
- (4) For funding Southeast Alabama Emergency Medical Services, Inc., \$335,100;

(5) For funding Southwest Alabama Emergency Medical Services, Inc., \$335,100;

(6) For funding West Alabama Emergency Medical Services, Inc. \$335,100;

(7) For funding special scientific studies and data records for emergency medical services providers to evaluate effectiveness of educational programs at all levels, and regional equipment and training grant funds for emergency medical services, \$462,179;

(8) For improvement in emergency medical services through services offered at the state level, \$120,722;

(9) For emergency medical services education, \$1,647,330 as provided in Section 3 herein.

Section 2. The amounts appropriated under subsections (1) through (6) of Section 1 shall be used to fund contracted services to permit operation and maintenance of the agencies named and for the purchase of instructional supplies and new instructional equipment by those agencies. The amount appropriated under subsection (7) of Section 1 that is not disbursed for the funding of special scientific studies and data records for emergency medical services providers to evaluate the effectiveness of educational programs at all levels shall be disbursed by contract with the regional agencies named for equipment and training grant funds and shall be placed in segregated accounts to be used exclusively for grants for reimbursement of the cost of equipment, tuition, and expenses for training by emergency medical services providers. Equipment and training grant funds shall be allocated to the agencies named based upon the following formula: 50 percent to be divided equally among the agencies named; 25 percent to be apportioned among the agencies based upon the number of square miles in the geographic area represented by each agency; and 25 percent to be apportioned among the agencies based upon the population of the area represented by each agency according to the latest federal census. Any funds not contracted for and expended for the purposes of this act shall revert to the appropriate fund at the end of the fiscal year.

Section 3. The Alabama Emergency Medical Services Education Commission (hereinafter referred to as the Commission) shall direct the expenditure of the funds that are appropriated for such purpose by the Legislature by making grants to state junior colleges, state technical colleges, and other public institutions of higher learning for the purposes of providing emergency medical services education. For the fiscal year ending September 30, 1996, the Commission shall direct the expenditure of \$1,647,330 for the purposes of this section. To be eligible for a grant from the Commission, an institution shall be certified by the Alabama Department of Public Health as having an emergency medical services primary education program whose graduates are eligible to be examined for state licensure as emergency medical technicians at the EMT-Basic, EMT-Intermediate, or EMT-Paramedic level or a combination thereof and shall be

subject to all conditions that in the view of the Commission are necessary to assure that grant funds are expended for emergency medical services education purposes. The Commission may require financial statements as a condition of grant acceptance.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective on October 1, 1995, after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Fuller was adopted.

Yeas 103; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-103

And the bill:

H. 239. To make an appropriation to the Department of Public Health in the amount of \$4,240,831 from the Alabama Special Educational Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1996.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 102; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-102

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 240, was adopted.

Yeas 101; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-101

And the bill:

H. 240. To make an appropriation of \$251,317 from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1996.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 103; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-103

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 241, was adopted.

Yeas 103; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-103

And the bill:

H. 241. (With Substitute): To make an appropriation of \$23,158,459 from the Alabama Special Educational Trust Fund, an appropriation of \$2,170,000 from the Driver Impaired Trust Fund, and an appropriation of \$72,907,868 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1996.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$23,158,459 from the Alabama Special Educational Trust Fund, an appropriation of \$2,170,000 from the Driver Impaired Trust Fund, and an appropriation of \$72,907,868 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Rehabilitation Services for the fiscal year ending September 30, 1996, the following amounts from the Alabama Special Educational Trust Fund (ASETF), the Driver Impaired Trust Fund, and Federal and Local Funds:

REHABILITATION SERVICES,
DEPARTMENT OF:

	ASETF	Federal and Local Funds	Total
(a) Direct Client Services for the Handicapped Program.....			98,236,327
The proposed spending plan for the ASETF moneys included in the above program is as follows:			
Homebound.....	3,071,067		
Hemophilia.....	995,535		
Children's Rehabilitation Serv- ices.....	6,570,551		

Of the above appropriation the agency will pay to each hospital the standard per diem paid by the state medicaid agency for services relating to scoliosis and spina bifida medical care.

Rehabilitation Services.....9,430,442

Of the above appropriation to Rehabilitation Services, \$250,000 shall be used for the Deaf Support Service.

Early Intervention Program...3,090,864

SOURCE OF FUNDS:

(1) ASETF.....	23,158,459		
(2) Driver Impaired Trust Fund.....		2,170,000	
(3) Federal and Local Funds.....		<u>72,907,868</u>	
Total Department of Rehabilitation Services.....	<u>23,158,459</u>	<u>75,077,868</u>	<u>98,236,327</u>

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to the following: (a) Providing medical, paramedical, counseling and educational services (instruction in the training of disabled persons) to crippled children and their families. The Legislature recognized the educational nature of such services in Section 16-38-7 of the Code of Alabama 1975; (b) Providing vocational rehabilitation through a state-federal initiative for the purpose of teaching independent living skills in order to return the clients to the workforce; (c) Providing educational services to severely disabled clients which includes academic tutoring, teaching of independent living skills, and providing equipment (wheelchairs and ramps) to allow school-age children to attend school.

Section 3. The Department of Rehabilitation Services is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1996.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective on October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 100; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-100

And the bill:

H. 241. To make an appropriation of \$23,158,459 from the Alabama Special Educational Trust Fund, an appropriation of \$2,170,000 from the Driver Impaired Trust Fund, and an appropriation of \$72,907,868 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1996.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 101; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-101

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Sanderford intended to vote "Yea" on passage of the bill, H. 241, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 242, was adopted.

Yeas 98; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-98

Nay:

Representative Dolbare.

- 1

And the bill:

H. 242. To make an appropriation of \$381,534 from the Alabama Special Educational Trust Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1996, for educational purposes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 99; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-99

Nay:

Representatives Seibenhener and Vance.

- 2

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hall (L) intended to vote "Yea" on passage of the bill, H. 242.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 244, was adopted.

Yeas 103; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford,

Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-103

And the bill:

H. 244. To make an appropriation of \$27,458,615 from the Alabama Special Educational Trust Fund and an appropriation of \$3,103,484 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1996.

was taken up.

SUBSTITUTE OFFERED

Representative Knight (J) offered the following substitute to the bill, H. 244:

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation of \$28,458,615 from the Alabama Special Educational Trust Fund and an appropriation of \$3,103,484 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Youth Services for the fiscal year ending September 30, 1996, the following amounts from the Alabama Special Educational Trust Fund (ASETF) and Federal and Local Funds:

	ASETF	Federal and Local Funds	Total
--	-------	----------------------------	-------

**YOUTH SERVICES, DEPARTMENT
OF:**

(a) Youth Services Program..... 31,562,099

SOURCE OF FUNDS:

(1) ASETF..... 28,458,615

(2) Federal and Local Funds.....		3,103,484	
Total Department of Youth Services.....	28,458,615	3,103,484	31,562,099

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to providing social and educational services plus facilities to youth referred to the program and providing for the education of such individuals including educating youth to turn away from a life of crime.

Section 3. The Department of Youth Services is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1995-96.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective on October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 101; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

And the bill:

H. 244. To make an appropriation of \$28,458,615 from the Alabama Special Educational Trust Fund and an appropriation of \$3,103,484 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1996.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 103; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-103

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 245, was adopted.

Yeas 95; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford,

Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

Nay:

Representative Parker (P).

- 1

And the bill:

H. 245. To make an appropriation of \$94,846 from the Alabama Special Educational Trust Fund for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 98; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-98

Nay:

Representative Parker (P).

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 246, was adopted.

Yeas 98; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-98

Nay:

Representative Parker (P).

- 1

And the bill:

H. 246. To make an appropriation of \$196,192 from the Alabama Special Educational Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

was taken up.

SUBSTITUTE OFFERED

Representative Parker (P) offered the following substitute to the bill, H. 246:

To make an appropriation of \$196,192 from the Alabama Special Educational Trust Fund for the support and maintenance of Auburn University for the fiscal year ending September 30, 1996.

SUBSTITUTE TABLED

On motion of Representative Newton (D), the substitute offered by Representative Parker (P) to the bill, H. 246, was tabled.

Yeas 83; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-83

Nay:

Representatives Black (L), Crigler, Gipson, Parker (P) and Rogers (M).

- 5

And the bill H. 246, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

Nay:

Representatives Parker (P), Rogers (M) and Seibenhener.

- 3

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 246:

Representatives Allen, Boyd, Buskey, Carter, Crigler, Drake, Dukes, Graham, Hill, Hilliard, Hooper, Houston, Jackson, Knight (A), Maul, McAdory, Minnifield, Morrison, Newton (D), Reed, Rogers (J), Sanderson, Spratt and Vance.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 247, was adopted.

Yeas 91; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

Nay:

Representative Parker (P).

- 1

And the bill:

H. 247. To make an appropriation of \$420,414 from the Alabama Special Educational Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 97; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-97

Nay:

Representatives Parker (P), Rogers (M) and Seibenhener.

- 3

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, H. 249, was adopted.

Yeas 94; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

Nay:

Representative Parker (P).

- 1

And the bill:

H. 249. To make an appropriation of \$397,228 from the Alabama Special Educational Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

Nay:

Representatives Parker (P) and Seibenhener.

- 2

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Boyd intended to vote "Yea" on passage of the bill, H. 249.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 249:

Representatives Bandy, Boyd, Clark (W), Galliher, Graham, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (D), Page, Perdue, Reed, Rogers (J), Sims, Spratt and Vance.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 250, was adopted.

Yeas 94; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

Nay:

Representative Parker (P).

- 1

And the bill:

H. 250. To make an appropriation of \$3,775,200 from the Alabama Special Educational Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-94

Nay:

Representative Parker (P).

- 1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 250:

Representatives Baker, Bandy, Black (L), Boyd, Buskey, Carter, Clark (W), Dolbare, Galliher, Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Knight (J), McAdory, McClammy, Melton, Mitchell, Rogers (J) and Spratt.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 251, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J),

Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-89

And the bill:

H. 251. To make an appropriation of \$295,305 from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Incorporated for the fiscal year ending September 30, 1996 for programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-89

Nay:

Representative Seibenhener.

- 1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 251:

Representatives Boyd, Drake, Dukes, Gaines, Galliher, Gipson, Graham, Hall (L), Hayden, Hill, Holmes, Houston, Jackson, Johnson (E), Knight (A), Knight (J), McAdory, McClammy, McDaniel, McMillan, Minnifield, Newton (D), Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Spratt, Starkey and Thomas (D).

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 252, was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 237. To make an appropriation of \$1,439,112 from the Alabama Special Educational Trust Fund for the support and maintenance of the Sickle Cell Education Program for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 237, as engrossed, was ordered sent to the Senate.

H. 252 TAKEN UP

And the bill:

H. 252. To make an appropriation of \$343,804 from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-97

CO-SPONSOR ADDED

Representative Graham was added as co-sponsor to the bill, H. 252.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 238. To make an appropriation to the Department of Public Health in the amount of \$10,371,144 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1996, for educational purposes.

TOMMY CARTER
Chairman

And the bill, H. 238, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 239. To make an appropriation to the Department of Public Health in the amount of \$4,240,831 from the Alabama Special Educational Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1996.

TOMMY CARTER
Chairman

And the bill, H. 239, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED
BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Thomas (J), the Budget Isolation Resolution relating to the bill, H. 253, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison,

Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

And the bill:

H. 253. To make an appropriation of \$35,250 from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

Nay:

Representative Seibenhener.

- 1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 253:

Representatives Boyd, Galliher, Hall (L), Hayden, Hilliard, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Knight (J), Laird, McAdory, McClammy, Melton, Minnifield, Perdue, Reed, Rogers (J) and Spratt.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 244. To make an appropriation of \$28,458,615 from the Alabama Special Educational Trust Fund and an appropriation of \$3,103,484 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1996.

TOMMY CARTER
Chairman

And the bill, H. 244, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, H. 254, was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

And the bill:

H. 254. (With Amendment): To make an appropriation of \$1,049,579 from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., the United Cerebral Palsy of Mobile, Inc., the United Cerebral Palsy of West Alabama, Inc., and the United Cerebral Palsy of Northwest Alabama for the year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 254 on page 1, lines 16 and 30 after the words "West Alabama, Inc.," by inserting the following: "United Cerebral Palsy of Alabama, Inc. for Etowah County,".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 98; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

And the bill:

H. 254. To make an appropriation of \$1,049,579 from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., the United Cerebral Palsy of Mobile, Inc., the United Cerebral Palsy of West Alabama, Inc., United Cerebral Palsy of Alabama, Inc. for Etowah County, and the United Cerebral Palsy of Northwest Alabama for the year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 99; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-99

Nay:

Representative Seibenhener.

- 1

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 241. To make an appropriation of \$23,158,459 from the Alabama Special Educational Trust Fund, an appropriation of \$2,170,000 from the Driver Impaired Trust Fund, and an appropriation of \$72,907,868 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1996.

TOMMY CARTER
Chairman

And the bill, H. 241, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 255, was adopted.

Yeas 102; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-102

And the bill:

H. 255. (With Substitute): To make an appropriation of \$700,000 from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$1,000,000 from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Children's Hospital in Birmingham, Alabama for the support and maintenance of said program from the Alabama Special Educational Trust Fund, the sum of \$1,000,000.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1996, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 103; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend,

Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-103

And the bill:

H. 255. To make an appropriation of \$1,000,000 from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 102; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-102

Nay:

Representative Seibenhener.

- 1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 255:

Representatives Allen, Baker, Black (M), Boyd, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, Minnifield, Moore, Morrison,

Morton, Newton (C), Newton (D), Papucci, Parker (T), Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 256, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Doibare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-91

And the bill:

H. 256. To make an appropriation of \$482,793 from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

SUBSTITUTE OFFERED

Representative Kennedy offered the following substitute to the bill, H. 256:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$582,793 from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Children's and Women's Hospital in Mobile, Alabama for the support and maintenance of said program from the Alabama Special Educational Trust Fund, the sum of \$582,793.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1996, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 93; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

Nay:

Representative Seibenhener.

- 1

And the bill:

H. 256. To make an appropriation of \$582,793 from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 256:

Representatives Allen, Bandy, Boyd, Carter, Clark (W), Dean, Dolbare, Dukes, Galliher, Gaston, Graham, Guin, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Knight (A), Knight (J), Letson, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Morton, Newton (D), Petelos, Rogers (J), Sanderford, Sanderson and Spratt.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 257, was adopted.

Yeas 89; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

Nay:

Representative Parker (P).

- 1

And the bill:

H. 257. (With Substitute): To make an appropriation of \$26,250 from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$70,000 from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Kate Duncan Smith DAR School from the Alabama Special Educational Trust Fund, the sum of \$70,000.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1996, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 89; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

Nay:

Representative Parker (P).

- 1

And the bill:

H. 257. To make an appropriation of \$70,000 from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

Nay:

Representative Parker (P).

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 259, was adopted.

Yeas 93; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

Nay:

Representative Dolbare.

- 1

And the bill:

H. 259. To make an appropriation of \$885,145 from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

Nay:

Representatives Dolbare and Seibenhener.

- 2

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (J), the Budget Isolation Resolution relating to the bill, H. 260, was adopted.

Yeas 89; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

Nay:

Representative Hilliard.

- 1

And the bill:

H. 260. To make an appropriation of \$100,000 from the Alabama Special Educational Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

Nay:

Representative Seibenhener.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Starkey, the Budget Isolation Resolution relating to the bill, H. 261, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

And the bill:

H. 261. To make an appropriation of \$307,615 from the Alabama Special Educational Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan,

Holmes, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

Nay:

Representative Seibenhener.

- 1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 261:

Representatives Allen, Black (M), Boyd, Clouse, Curry, Gaines, Galliher, Gaston, Guin, Hamilton, Haney, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (T), Perdue, Petelos, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Vance and Wren.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 254. To make an appropriation of \$1,049,579 from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., the United Cerebral Palsy of Mobile, Inc., the United Cerebral Palsy of West Alabama, Inc., United Cerebral Palsy of Alabama, Inc. for Etowah County, and the United Cerebral Palsy of Northwest Alabama for the year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 254, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 255. To make an appropriation of \$1,000,000 from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 255, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED
BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 262, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

And the bill:

H. 262. To make an appropriation of \$106,250 from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

Nay:

Representative Seibenhener.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hall (L) intended to vote "Yea" on passage of the bill, H. 262.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 264, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-92

And the bill:

H. 264. To make an appropriation of \$17,681 from the Alabama Special Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-94

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 264:

Representatives Allen, Boyd, Clouse, Drake, Dukes, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Haney, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Letson, McAdory, McClammy, McDaniel, Melton, Minnifield, Morrison, Papucci, Parker (P), Parker (T), Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Willis and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 784, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-89

And the bill:

H. 784. To make an appropriation of \$129,081 from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1996, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 1.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-93

Nay:

Representative Seibenhener.

- 1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 784:

Representatives Bandy, Boyd, Clark (W), Dukes, Guin, Haney, Hilliard, Houston, Jackson, Johnson (E), McAdory, McClammy, Minnifield, Mitchell, Reed, Rogers (J) and Spratt.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Denton:

S. 394. To transfer the LaGrange Historical Site owned by the Alabama Historical Commission to the LaGrange Living Historical Association.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 394. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Langford (With Notice and Proof):

S. 357. To amend Sections 3.05 and 4.04 of Act No. 618, H. 796, 1973 Regular Session of the Legislature, relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census; so as to further provide for the Council of such cities to set per diem allowances, salaries, or expense allowances for the Council and Mayor.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 357, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 357. Local Legislation No. 5.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Armistead (With Notice and Proof):

S. 404. Relating to Bibb County; repealing Act No. 84-453, S. 601, 1984 Regular Session (Acts 1984, p. 1061) entitled "An Act, Relating to Bibb County; to amend Act No. 780, H. 1706, 1973 Regular Session (Acts 1973, p. 1195), which act provides for compensation of the sheriff, the appointment of deputies, secretaries and jailors, so as to further provide for the salaries of certain members of the sheriff's staff," and to make this act retroactive to September 30, 1992.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 404, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 404. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Butler and Freeman:

S. 308. Relating to Class 3 municipalities; providing that certain weeds and grass growing upon streets, sidewalks, and private property and certain other physical conditions may be declared a public nuisance in a Class 3 municipality which is organized pursuant to Chapter 43, Title 11 of the Code of Alabama 1975; establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning the public nuisance, and a procedure for assessing costs of the removal against the property, constitute the same as a lien; and providing for the collection of the assessments and the enforcement of the lien.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 308. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Butler and Freeman:

S. 305. To provide that the city council of any Class 3 municipality may remove, demolish, or repair buildings, structures, or portions thereof which are unsafe to the extent of creating a public nuisance; to provide for the right to collect special assessments and for liens against the property for the cost of the removal, demolition, or repair; and to provide for a civil cause of action to enforce the lien.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 305. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Windom:

S. 296. To amend Section 5-18-15 of the Code of Alabama 1975; and to provide for default or extension charges which may be charged and collected in connection with small loans pursuant to the Alabama Small Loan Act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 296. Banking.

RESOLUTIONS

The following resolution was introduced:

By Representative Turner:

H.R. 276. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO HOUSE BILL 362.

The resolution, H.R. 276, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Papucci:

H.R. 277. EXTENDING GREETINGS AND COMMENDATION TO DAVID VICTOR, SR., AND SUELLEN POGGI OF DANA POINT, CALIFORNIA.

Also:

The following resolutions were introduced:

By Representative Morrow:

H.J.R. 278. COMMENDING LEE PAGE OF MARION COUNTY, ALABAMA, FOR EXTRAORDINARY HEROISM.

The resolution, H.J.R. 278, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morrow:

H.J.R. 279. COMMENDING THE FRANKLIN COUNTY BOARD OF EDUCATION ON ITS NEW MOBILE HEALTH CLINIC.

The resolution, H.J.R. 279, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morrow:

H.J.R. 280. COMMENDING TERRY EZZELL OF BELGREEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 280, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morrow:

H.J.R. 281. COMMENDING LEE PAGE OF MARION COUNTY, ALABAMA, FOR EXTRAORDINARY HEROISM.

The resolution, H.J.R. 281, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 282. WELCOMING THE ALABAMA STATE SOUTHWEST CONVENTION TO YORK, ALABAMA.

Also:

By Representatives Ford, Page and Galliher:

H.R. 283. COMMENDING DR. VICTOR B. FICKER, PRESIDENT OF GADSDEN STATE COMMUNITY COLLEGE.

Also:

By Representative Thomas (D):

H.R. 284. MOURNING THE DEATH OF JOHN DEGARIS OF PELL CITY, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Gipson:

H.J.R. 285. HONORING WALTER L. NORTHINGTON FOR HIS YEARS OF SERVICE TO THE STATE OF ALABAMA, DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS.

The resolution, H.J.R. 285, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Venable, Wren and Gipson:

H.J.R. 286. CREATING THE ELMORE COUNTY 2000 COMMISSION.

The resolution, H.J.R. 286, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Ford, Page and Galliher:

H.J.R. 287. COMMENDING DR. VICTOR B. FICKER, PRESIDENT OF GADSDEN STATE COMMUNITY COLLEGE.

The resolution, H.J.R. 287, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Butler and Barron:

S.J.R. 102. OPPOSING PATIENT SERVICE STANDARDS FOR THE REGULATION OF PHARMACY BY ANY ORGANIZATION OR AGENCY OTHER THAN THE ALABAMA STATE BOARD OF PHARMACY.

Also:

By Senator Smith:

S.J.R. 103. COMMENDING KEEP ALABAMA BEAUTIFUL FOR OUTSTANDING SERVICE TO THIS STATE.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 102, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 103, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Langford:

S.J.R. 98. EXTENDING BEST WISHES TO MILLARD BARNETT LAWLEY ON HIS 50TH BIRTHDAY.

Also:

By Senator Langford:

S.J.R. 99. HONORING THE WINSTON AND BETHLONIA JOHNSON FAMILY.

Also:

By Senator Bedford:

S.J.R. 101. CONGRATULATING DR. RICHARD CORDELL OF GUIN, ALABAMA, FOR OUTSTANDING SERVICE.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 98, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 99, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

Also:

The resolution, S.J.R. 101, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

S.J.R. 97. COMMENDING JAMES DANIELS OF NEWTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 97, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:15 P.M. on June 20, 1995.

H. 293

Delivered to the Governor at 2:40 P.M. on June 20, 1995.

H.J.R. 256

H.J.R. 242

H.J.R. 260

H.J.R. 244

H.J.R. 261

H.J.R. 245

H.J.R. 262

H.J.R. 247

H.J.R. 263

H.J.R. 252

H.J.R. 264

H.J.R. 253

H.J.R. 267

H.J.R. 254

H.J.R. 227

Delivered to the Governor at 4:05 P.M. on June 20, 1995.

H. 31

H. 512

H. 103

H. 554

H. 119

H. 190

H. 408

H. 416

H. 414

H. 460

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Fuller, the House adjourned until 1:00 o'clock 204,, Wednesday, June 21, 1995.

TWENTIETH DAY

**House of Representatives
Montgomery, Alabama
Wednesday, June 21, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Fletcher Comer, Rector St. Marks Episcopal Church, Prattville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ashley Blalock, 6th Grade, Henry M. Adair School, Clanton, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-104

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the nineteenth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the nineteenth legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 12:00 o'clock Noon on Thursday, June 22, 1995, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 258. URGING THE UNITED STATES SENATE TO APPROVE LEGISLATION RETURNING REASONABLENESS TO THE ENVIRONMENTAL REGULATORY PROCESS.

WHEREAS, the United States Environmental Protection Agency is considering a number of new environmental regulations that will affect the oil and gas industry; and

WHEREAS, the United States House of Representatives has approved risk assessment and cost benefit analysis legislation that is pending before the United States Senate; and

WHEREAS, a study by the American Petroleum Institute estimates that compliance expenditures required by these new regulations could reach \$45 million dollars and result in a reduction in oil and natural gas production in Alabama; and

WHEREAS, Alabama is a significant energy producing state, producing in excess of 460 billion cubic feet of natural gas and more than 18 million barrels of crude oil and condensate per year; and

WHEREAS, revenues from oil and gas industry operations generate more than \$100 million dollars annually in severance taxes and royalty income to the state; and

WHEREAS, more than 20,000 Alabamians are employed in the state's oil and gas industry; therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby urge the United States Senate to approve legislation returning reasonableness to the environmental regulatory process and urges the Environmental Protection Agency to employ sound scientific principles, risk assessment, and cost benefit analysis before enacting new regulation.

On motion of Representative Carter, the resolution, H.R. 258, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 93. COMMEMORATING THE 220TH BIRTHDAY OF THE UNITED STATES ARMY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 93.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 276. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO HOUSE BILL 362.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, House Bill 362, a copy of which is attached to this resolution and made a part hereof by reference:

1. Is House Bill 362 a local bill, and is the failure to publish the bill a violation of Section 106 of the Constitution of Alabama of 1901?

2. Does House Bill 362 violate Section 105 of the Constitution of 1901, which prohibits the enactment of a local law in any case provided for by general law?

3. Does House Bill 362 violate subdivision (14) of Section 104 of the Constitution of Alabama of 1901 as a local bill fixing the punishment of a crime?

RESOLVED FURTHER, That the Clerk of the House of Representatives is directed to send sufficient true copies of the pending bill, House Bill 362, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Representative Carter, the resolution, H.R. 276, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 278. COMMENDING LEE PAGE OF MARION COUNTY, ALABAMA, FOR EXTRAORDINARY HEROISM.

WHEREAS, it is with highest commendation and honor that the Legislature of Alabama recognizes Lee Page of Marion County, Alabama, for his valiant and courageous efforts in saving the life of another; and

WHEREAS, on July 26, 1994, Lee Page, a highway maintenance supervisor, and co-worker Jimmy Taylor were inspecting damages along Alabama Highway #43 in Marion County following a torrential downpour of 5-1/2 inches of rain; and

WHEREAS, Mr. Taylor, discovering a clogged grate covering a sizable drain responsible for funnelling water under the road, waded into the water chest high and began jabbing at the debris covering the grate; suddenly a sizable chunk broke through, bringing a surge of water which forced Mr. Taylor under, wedging his knees between two bars of the grate; and

WHEREAS, realizing the urgency of the situation, Mr. Page, without regard for his own personal safety, rushed into the water and, with the help of two passersby, managed to hold Mr. Taylor's head above water until help arrived; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding bravery, highest commendation is hereby accorded Lee Page of Marion County, Alabama, for whom a copy of this resolution of sincere regard and tribute shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 278, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 279. COMMENDING THE FRANKLIN COUNTY BOARD OF EDUCATION ON ITS NEW MOBILE HEALTH CLINIC.

WHEREAS, the Franklin County Board of Education has taken yet another positive step toward improving the good and well-being of Franklin County students; and

WHEREAS, the area's first mobile health clinic, and the first of its kind in the state, has been introduced, providing basic and preventive health care services and instruction to the more than 4,600 students in Franklin County; and

WHEREAS, the clinic, which will visit each school at least once a week, is equipped with a wheelchair lift in addition to other equipment and supplies, and is staffed with two nurse practitioners and a clerk/driver; and

WHEREAS, included among the many services provided by the clinic are hearing and visual screenings, vaccinations, immunizations, health education and nutrition evaluations; and

WHEREAS, the project was funded through a substantial grant from the U.S. Department of Health and Human Services and supplemented by sizable amounts of in-kind services provided by the school board and a consortium which included the Northwest Alabama Regional Health Department, the school system, the Department of Human Resources, the University of North Alabama School of Nursing, Red Bay Hospital, Northwest Medical Center, Family Services Center of Riverbend, and several local doctors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to their dedicated efforts in instituting this outstanding service for the benefit and welfare of the children of Franklin County and our state, highest commendation is hereby accorded the Franklin County Board of Education, for which a copy of this resolution shall be provided.

On motion of Representative Carter, the resolution, H.J.R. 279, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 280. COMMENDING TERRY EZZELL OF BELGREEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pleasure that the Legislature of Alabama extends heartiest congratulations to Terry Ezzell of Belgreen, Alabama, who recently captured first place in the individual standings of the Southeastern Regionals of the Bass Anglers Sportsman's Society (B.A.S.S.) National Federation Tournament; and

WHEREAS, Mr. Ezzell is a member of the 12-man Alabama Federated Bass Team, which is made up of the top eight finishers in the state tournament and the four regional champions; and

WHEREAS, a member of the Belgreen Bass Club, Mr. Ezzell placed fifth in the state and, in the Southern Regionals, reeled in a cumulative total of 11 fish weighing an impressive 32.6 pounds to take the competition and advance to the Nationals to be held in April of 1995; and

WHEREAS, Mr. Ezzell, who holds a degree in forestry management from Auburn University, is an area forester in Franklin County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as winner in the individual standings of the B.A.S.S. Southeastern Regionals, highest commendation is hereby accorded Terry Ezzell of Belgreen, Alabama, for whom a copy of this resolution shall be provided with sincere best wishes for every future success.

On motion of Representative Carter, the resolution, H.J.R. 280, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 285. HONORING WALTER L. NORTHINGTON FOR HIS YEARS OF SERVICE TO THE STATE OF ALABAMA, DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS.

WHEREAS, on the occasion of his retirement, it is with highest commendation that the Alabama Legislature recognizes Walter L. Northington, current Assistant Chief Examiner, for his distinguished career with the Department of Examiners of Public Accounts; and

WHEREAS, Mr. Northington spent 26 years in devoted service to the citizens of Alabama, auditing innumerable county offices, officials, and agencies throughout the state; and

WHEREAS, serving with honor and distinction, Mr. Northington initiated changes within the Department of Examiners of Public Accounts that aided it in becoming more efficient and responsive to the needs of state and local government; and

WHEREAS, his contributions exerted a profound influence on the State of Alabama, making Mr. Northington a highly respected and recognized leader of our time; and

WHEREAS, through his dedication and years of service, the Prattville Lions Club has been blessed and served well by Walter Northington; and

WHEREAS, a native of Prattville, Alabama, Mr. Northington is the devoted husband of Ella Sue Northington, and the loving father of Wanda, Jane, and Steve Northington, as well as a proud grandfather many times over; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his many accomplishments, and in appreciation of his immeasurable contributions to the citizens of this state, Mr. Walter L. Northington is hereby extended the highest commendation for his devoted service.

BE IT FURTHER RESOLVED, That a copy of this resolution of deepest gratitude be prepared for presentation to Mr. Walter L. Northington on the occasion of his retirement.

On motion of Representative Carter, the resolution, H.J.R. 285, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 286. CREATING THE ELMORE COUNTY 2000 COMMISSION.

WHEREAS, population figures confirm Elmore County is one of the fastest growing areas of Alabama; and

WHEREAS, until only recently Elmore County was primarily a rural, agricultural county and relatively unprepared for the significant growth which has occurred; and

WHEREAS, this growth is accompanied by an increased demand for services in many areas of everyday life by Elmore County residents; and

WHEREAS, Elmore County elected officials consider it necessary to make plans for both the expanded population and the resulting need for improved services and infrastructure as the year 2000 approaches; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created the Elmore County 2000 Commission which shall study the resources and needs of the county and make recommendations to the elected officials of Elmore County as to how those resources can best be utilized to meet present and future needs.

BE IT FURTHER RESOLVED, That each member of the Elmore County Commission shall appoint one member of the Elmore County 2000 Commission from the district he or she represents; each member of the Elmore County Legislative Delegation shall appoint one member of the Elmore County 2000 Commission from the district the legislator represents; each municipality of Elmore County shall appoint one member who resides within the municipality; and, by majority vote, the 2000 Commission may add any members it deems necessary. No member of the 2000 Commission shall receive any remuneration or expenses, and no member shall be an elected official of the county or any local government. Members shall be appointed by July 15, 1995, and the first meeting shall be called as soon as practicable by the Chair of the Elmore County Commission. At that meeting, the members of the 2000 Commission shall elect a chair, vice chair, secretary, and any other officers it deems necessary. A quorum of the 2000 Commission shall consist of a majority of the total number of members, and members may adopt rules of procedure they deem necessary.

BE IT FURTHER RESOLVED, That the 2000 Commission shall address any specific issues as requested by the appointing authority in a timely manner, and shall make a general report to each appointing authority, including its findings and recommendations, by January 31, 1996.

On motion of Representative Carter, the resolution, H.J.R. 286, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 287. COMMENDING DR. VICTOR B. FICKER, PRESIDENT OF GADSDEN STATE COMMUNITY COLLEGE.

WHEREAS, Dr. Victor B. Ficker, president of Gadsden State Community College in Gadsden, Alabama, was a recent recipient of Phi Theta Kappa's Dr. Shirley B. Gordon Award of Distinction for 1995, and was selected for the Kermit Mathison Award to be presented by the University of Montevallo on August 3, 1995, only two of many honors of distinction bestowed on Dr. Ficker through the years; and

WHEREAS, an outstanding educator and leader in the field of education over some 32 years, and, most particularly, at Gadsden State Community College since 1988, Dr. Ficker has received such other professional honors as Executive of the Year, Alabama Distinguished Administrator of the Year, Outstanding Community Leader of Gadsden, and was recipient of the NEA National H. Trenholm Memorial Award, among others; and

WHEREAS, a native of Brookfield, Illinois, and a graduate of St. Petersburg, Jr. College, Dr. Ficker earned BAE, MED, EDS, and EDD degrees from the University of Florida, and completed post doctoral studies at the University of Virginia; and

WHEREAS, he served successively as adjunct professor at the University of Virginia and as Director of Corporate Training at Northern Virginia Community College in the years immediately prior to assuming the presidency at Gadsden State, and earlier in varied capacities at Paul D. Schreiber High School, the University of Florida, Polk Community College, Paul D. Camp Community College, Old Dominion University, and Mountain Empire Community College; and

WHEREAS, over the years, in addition to career responsibilities, Dr. Ficker has authored and co-authored a number of publications and articles, and provided leadership to numerous professional programs, committees, organizations and endeavors; and

WHEREAS, as president of Gadsden State, Dr. Ficker has instituted numerous progressive programs, services, and activities which have not only significantly impacted the college, but the community as well; and

WHEREAS, he has further provided leadership and support to a number of civic and service organizations within the community, including the Gadsden-Etowah Chamber of Commerce, Gadsden Industrial Development Authority, Gadsden United Way, and Baptist Health Services Foundation, among others; and

WHEREAS, Dr. Ficker has indeed served with distinction as president of Gadsden State Community College, leading the school to unprecedented new heights of achievement, and it is with deep gratitude that we commend his contributions and service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service to Gadsden State Community College and higher education in our state, we hereby express appreciation to Dr. Victor B. Ficker, whom we hold in highest personal regard, and to whom a copy of this resolution shall be presented at the next meeting of the State Board of Education, scheduled for July 11, 1995.

On motion of Representative Carter, the resolution, H.J.R. 287, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 97. COMMENDING JAMES DANIELS OF NEWTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 97.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 98. EXTENDING BEST WISHES TO MILLARD BARNETT LAWLEY ON HIS 50TH BIRTHDAY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 98.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 99. HONORING THE WINSTON AND BETHLONIA JOHNSON FAMILY.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 99.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 101. CONGRATULATING DR. RICHARD CORDELL OF GUIN, ALABAMA, FOR OUTSTANDING SERVICE.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 101.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 103. COMMENDING KEEP ALABAMA BEAUTIFUL FOR OUTSTANDING SERVICE TO THIS STATE.

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 103.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 273. PETITIONING THE UNITED STATES CONGRESS TO FUND AND RETAIN THE CARBON HILL NATIONAL FISH HATCHERY.

WHEREAS, the Carbon Hill National Fish Hatchery, which has been selected for closing under President Clinton's proposed budget, has served this nation since 1938, providing jobs in an area depressed by a decline in the coal industry as well as providing a much-needed service for the citizens of Carbon Hill, Walker County, the State of Alabama, and the United States; and

WHEREAS, the hatchery's extensive production and development of walleye, Gulf Coast striped bass, Atlantic striped bass, paddlefish, blue gill, red ear sunfish, small mouth bass, large mouth bass, and catfish have been instrumental in the restocking of rivers, lakes, and ponds throughout the Southeastern United States; and

WHEREAS, in the aftermath of Hurricane Hugo, employees of the Carbon Hill National Fish Hatchery were instrumental in a restocking program in the State of South Carolina and in the aftermath of Hurricane Andrew, they began a program which extended for several years in which lakes, rivers, and ponds in the devastated areas of Louisiana were restocked, culminating last year with the stocking of over 1,000,000 blue gill and over 125,000 catfish; and

WHEREAS, due to a decline in the Gulf Coast striped bass, employees of the Carbon Hill National Fish Hatchery participated in a program which relocated Gulf Coast striped bass to Lewis Smith Lake in Alabama for growth and development, and then took bass from the lake and reintroduced offspring into Gulf Coast rivers, resulting in a strengthening of the Gulf Coast population of striped bass; and

WHEREAS, the Carbon Hill National Fish Hatchery has conducted a program of reintroducing the threatened species of paddlefish into the Cherokee Reservoir in Tennessee to conduct reproductive work to strengthen this fish population; and

WHEREAS, the hatchery has undertaken such federal projects as stocking Veteran's Administration hospital ponds; and

WHEREAS, the aquarium and other educational programs at the hatchery have educated numerous students about fish, reptiles, amphibians, and the environment, with over 25,000 visitors annually; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the United States Congress is hereby petitioned to take the necessary measures to preserve the Carbon Hill National Fish Hatchery, which for over 50 years has provided valuable services to the Southeastern United States.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation.

On motion of Representative Carter, the resolution, H.R. 273, was adopted.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 774. (With Amendment): Relating to tuition at public institutions of higher education, to establish the minimum tuition rate that public institutions of higher education charge to nonresident students, to define residency and tuition policy for nonresident students, and to create the Permanent Joint Interim Legislative Committee for Appeals on Higher Education.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 395. To amend Section 40-2A-11, Code of Alabama 1975, to provide for the payment of penalties for failure to timely pay a tax that is due to be paid to the Department of Revenue.

S. 12. To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for the collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 29. (With Substitute): Relating to motor vehicles; to amend Sections 40-12-290, 40-12-291 and 40-12-296 of the Code of Alabama 1975; to provide for the issuance of a one-year antique license plate or tag only for those vehicles operated as a collector's item; to define an antique vehicle; to increase the fee; to prescribe penalties for violating this act; to delete the provision that the plate or tag is valid without renewal; to provide for the distribution of proceeds from the registration of antique vehicles and from the registration of other vehicles that are more than 25 years old; and to specify further the design of the plate or tag.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 713. To empower certain federal law enforcement officers to enforce the laws of this state and to arrest persons violating the laws of this state.

S. 39. To amend Section 9-11-7 of the Code of Alabama 1975, to authorize a district attorney's fee to be taxed against the defendant in the district courts of this state in cases involving violations of the game and fish laws or rules and regulations in the same manner as a district attorney's fee is taxed and collected in all other cases in the district courts of this state.

S. 393. To amend Sections 12-11-30 and 12-12-30 of the Code of Alabama 1975, relating to the jurisdiction of the circuit and district courts, to increase the civil jurisdiction of the district courts.

S. 334. To amend Sections 38-10-8 and 38-10-12 of the Code of Alabama 1975, relating to the distribution of support collections; to provide exceptions to the distribution requirements; to provide for disbursement of a pro rata share of support collected to each family owed support; to provide an exception to the five-day distribution rule when the department receives an affidavit to terminate income withholding; and to provide that collections of \$10 or less be held in escrow for distribution at a later date.

S. 342. Amending Sections 16-47-10 and 16-52-12, Code of Alabama 1975, permitting police officers of the University of Alabama and Jacksonville State University to carry persons arrested to the nearest municipal court; and specifying the arrest powers of police officers of the University of Alabama.

S. 291. To amend Section 32-5A-191 of the Code of Alabama 1975, relating to driving under the influence of alcohol; to prohibit the operation of a motor vehicle by a school bus or day care driver who has more than .02 percent or more by weight of alcohol in his or her blood; and to provide penalties.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 628. (With Substitute) (With Amendment): To amend Section 13A-12-200.2 of the Code of Alabama 1975, to further provide for the penalties for the distribution of pornography or the possession of pornography with the intent to distribute or the production of obscene material for pecuniary value.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 95. (With Substitute) (With Amendment): To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of probate judge, and to provide for an effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 9. To amend Sections 41-9-741, 41-9-742, and 41-9-744 of the Code of Alabama 1975, to provide further for the composition of the membership, election of new members, and a quorum for certain meetings of the Alabama Senior Citizens Hall of Fame.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 797. (With Amendment): To amend Section 34-30-22, Code of Alabama 1975, to provide for the qualifications for a licensed bachelor social worker.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 847. To amend Section 32-1-4 of the Code of Alabama 1975, relating to the circumstances where appearance before a magistrate is not required upon arrest for a traffic offense; to provide that a person arrested for a traffic violation punishable as a misdemeanor would be required to appear before a magistrate in certain cases where the person is not validly licensed or whose identity cannot be established by the arresting officer.

H. 794. To amend Section 36-7-21, Code of Alabama 1975; to provide that institutions of higher learning may prepay travel expenses.

H. 852. To amend Section 34-36-4 of the Code of Alabama 1975, relating to the Alabama Board of Electrical Contractors, to provide further for the compensation of the executive secretary.

H. 854. To propose an amendment to the Constitution of Alabama of 1901, that would require legislative approval of certain court orders requiring disbursement of state funds.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 801. (With Substitute): To amend Section 125 of the Constitution of Alabama of 1901, to require an affirmative vote of two-thirds of the members elected to each body of the Legislature in order to override a veto by the Governor.

The above bill was read a second time at length as required by the Constitution.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 720. (With Amendment): To amend Section 36-12-40, Code of Alabama 1975, to allow access to certain files of public employees.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 686. (With Substitute): To amend Section 25-5-77, Code of Alabama 1975, relating to Workers' Compensation, to provide further for the medical treatment of injured employees.

H. 502. (With Substitute): To amend Section 25-5-50, Code of Alabama 1975; to provide that an employer that employs less than five full-time employees or employs part-time employees is exempt from providing workers' compensation insurance coverage.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 562. To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act; and to prescribe fines for certain violations of the act.

S. 314. To amend Section 11-49-80, Code of Alabama 1975, to provide that the annexation of unincorporated territory into a municipality, after the effective date of this act, shall result in the municipality assuming responsibility to control, manage, supervise, regulate, repair, maintain, and improve all public streets or parts thereof lying within the territory annexed, under certain conditions; to provide that nothing contained within the bill shall require a municipality to assume responsibility to control, manage, supervise, regulate, repair, maintain, or improve any street or part thereof located within the territory annexed which was not being controlled, managed, supervised, regulated, repaired, maintained, and improved by the county prior to the effective date of the annexation, with certain exceptions; to provide that the responsibility for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality on the effective date of this act shall remain the responsibility of the entity responsible for such public streets or parts thereof on the effective date of this act; and to authorize a

county and municipality to enter into a mutual agreement providing for an alternative arrangement for the control, management, supervision, regulation, repair, maintenance, or improvement of public streets or parts thereof lying within the corporate limits of an incorporated municipality.

Representative Carns, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 449. To amend Section 40-9B-3, Code of Alabama 1975, and Acts 1993, 1st Extra Session, No. 93-851, p. 79, § 1, now appearing as Section 41-10-44.2, Code of Alabama 1975; to expand the industrial or research enterprise categories which qualify for tax abatements and site preparation grants, respectively, to include cotton gins; and to provide a retroactive effective date.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 458. Relating to animals, to provide for the sterilization of all dogs and cats in animal shelters, humane societies, and public or private animal refuges and penalties for violations.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 482. (With Substitute): To amend Sections 40-10-1, 40-10-2, 40-10-9, 40-10-10, and 40-10-18 of the Code of Alabama 1975, relating to the sales of lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales; and to provide for certain redemption procedures.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 605. To establish a Governor's-Legislators' Gaming Oversight Commission and a share-lottery administered by the Alabama Veterans Foundation and provide for its powers and duties; to provide for the disposition of the share-lottery proceeds; and to prescribe penalties for certain violations.

H. 767. Relating to Mobile County; to amend Act No. 86-545, S. 655, 1986 Regular Session, as amended, which creates a county racing commission; to provide further for wagering on broadcasts.

Representative Box, Chairperson of the Standing Committee on Navigation and Waterways, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 577. Regulating the discharge of sewage and litter from certain vessels and boats; specifying that the Department of Environmental Management is the responsible agency; regulating sanitation facilities at marinas; levying certain fees and providing for distributions; establishing a Boat and Marina Advisory Committee and a Boat and Marina Fund, and specifying their functions; providing certain civil immunity to members of the advisory committee; authorizing the filing of certain civil actions and specifying certain criminal penalties and certain fines; repealing Sections 33-6-1 to 33-6-12, inclusive, Code of Alabama 1975, relating to the discharge of litter and sewage from watercraft; and specifying a prospective effective date.

S. 96. Regulating the discharge of sewage and litter from certain vessels and boats; specifying that the Department of Environmental Management is the responsible agency; regulating sanitation facilities at marinas; levying certain fees and providing for distributions; establishing a Boat and Marina Advisory Committee and a Boat and Marina Fund, and specifying their functions; providing certain civil immunity to members of the advisory committee; authorizing the filing of certain civil actions and specifying certain criminal penalties and certain fines; repealing certain conflicting laws; and specifying a prospective effective date.

Representative Box, Chairperson of the Standing Committee on Navigation and Waterways, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 424. (With Substitute) (With Amendments): To further provide for the management of Alabama's marine resources; to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further regulate the possession thereof, to provide for certain lengths thereof, to further regulate widths of certain trawls, to provide for certain confiscation and forfeiture, and to provide for certain criminal liability; to amend Section 9-12-113, Code of Alabama 1975, relating to certain fishing licenses, so as to further provide for certain fees and permits, to regulate the transfer of certain net or seine permits, to provide for certain additional requirements to be permitted, to restrict the number of permits issued and require certain decals or placards, to restrict the number of nets or seines in use at any one time, to further regulate and require the presence of the permittee in certain conditions, certain possession, and certain net or seine identification, to specify to whom certain licenses or permits may be

issued and further define "nonresident," to further provide for forfeiture and alternatives thereto, to further define possession of game fish, to specify certain saltwater game fish and provide for a certain tagging system, to provide penalties for violation of certain regulations, to further provide as to certain penalties and as to certain criminal liability and to provide for a point system whereby certain licenses or permits shall be revoked under certain circumstances; to prohibit selling, buying, or trading or bartering in certain saltwater game fish and specify penalties and certain criminal liability; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to further provide for and require seafood dealer reporting; to provide for certain landing and reporting requirements for certain saltwater finfish and seafood products commercially harvested in Alabama, to provide for the establishment by regulation of certain reporting procedures, to provide for certain revocation procedures, and to specify penalties and certain criminal liability; to amend Section 9-12-125, Code of Alabama 1975, relating to the seafood dealer's license, so as to further provide for the requirements and fees therefor, to further regulate and provide for the licensing of certain vehicles from which seafood is bought or sold, and to further provide for penalties; and to provide for effective dates.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 696. To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County and Limestone County to remove certain property from the corporate limits of the City of Huntsville.

H. 827. Relating to Lamar County; creating the Lamar County Economic Development Authority to promote economic growth and development of Lamar County and the municipalities of Beaverton, Detroit, Kennedy, Millport, Sulligent, and Vernon, and other like governing bodies.

H. 839. Relating to Autauga County; to levy and collect an eight mill countywide ad valorem tax and a one cent countywide sales tax for education, improvement of unpaved roads, courthouse complex facilities, volunteer fire departments, and for Prattville, Autaugaville, and Billingsley.

S. 475. Relating to Lauderdale County; to amend Act No. 79-351, S. 181 of the 1979 Regular Session (Acts 1979, p. 565); to further provide for the fee of the Judge of Probate for celebrating the rites of matrimony; and to provide retroactive effect.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 275. To amend Sections 25-4-4, 25-4-16, 25-4-54, 25-4-78, 25-4-95, 25-4-120, 25-4-133, and 25-4-134, Code of Alabama 1975, to provide further for the fiscal year, the definition of wages, penalties on certain delinquent employers, disqualifications for unemployment compensation benefits, filing for judicial review of decisions by boards of appeal, offsets to recover overpayment, penalties on employers delinquent in filing certain reports, and limitations on certain actions and to provide for certain retroactive effect.

H. 622. Relating to insurance, to provide further for the regulation of insurance: By amending the standard valuation law, set forth in Section 27-36-7, Code of Alabama 1975, which sets forth the minimum requirements for the valuation of the reserves of life insurers so as to make it substantially similar to the latest version of the model standard valuation law as adopted by the National Association of Insurance Commissioners; by requiring every domestic insurer to file a report with the commissioner disclosing material acquisitions and dispositions of assets and material nonrenewals, cancellations, or revisions of ceded reinsurance agreements, not already required to be submitted to the commissioner, for review, approval, or information purposes pursuant to other insurance laws, regulations, or other requirements; and by setting forth a risk-based capital requirement based on the Risk-Based Capital for Insurers Model Act adopted by the National Association of Insurance Commissioners.

Representative Hill, Chairperson of the Standing Committee on Local Legislation No. 7, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 826. Relating to Shelby County; providing for an additional expense allowance for the tax assessor and tax collector; and providing an expiration date.

Representative Hill, Chairperson of the Standing Committee on Local Legislation No. 7, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 557. (With Amendment): Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 612. Relating to Calhoun County; to authorize any city in the county and the county commission to declare noxious or dangerous weeds growing upon the streets, roads, or sidewalks, or upon private property within the city or county, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous

walls, or any abandoned or unsafe construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon the streets, roads, or sidewalks or upon which the nuisance exists for the cost of abatement.

H. 810. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

H. 843. Relating to Baldwin County; to provide for the regulation of certain wastewater treatment utilities by the Baldwin County Commission; to provide for inspection and supervision fees relating to the regulation; and to provide for civil enforcement of this act.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 256. To make an appropriation of \$582,793 from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 256, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 257. To make an appropriation of \$70,000 from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1996 and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 257, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 235. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

TOMMY CARTER
Chairman

And the bill, H. 235, as engrossed, was ordered sent to the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives McMillan, Penry, Warren, and White (With Notice and Proof):

H. 859. Relating to Baldwin County; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; establishing a personnel department; establishing an appeals board and its membership; providing for classes of employment; and providing that county employees on the effective date of this act under certain conditions shall be classified employees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 859, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Gaines (With Notice and Proof):

H. 860. Relating to Jefferson County; on and after the effective date of this act, each of the County Commissioners, the Jefferson County Tax Assessor; the Jefferson County Tax Collector; the Jefferson County Assistant Tax Assessor - Bessemer Division; and the Jefferson County Assistant Tax Collector - Bessemer Division, shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out his official duties, or a certain automobile expense allowance as reimbursement for the Official's use of a personal vehicle and fuel, oil and repairs for such official duties; to repeal Act No. 89-635.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 860, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Petelos and Clouse:

H. 861. To establish the Alabama Board of Locksmiths; to provide for the regulation and licensing of persons engaged in the business of locksmiths; to provide for fees and the deposit thereof, and for appropriations; and to provide penalties for violations of this act and the rules and regulations issued thereunder.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 862. To repeal Section 22-30B-19, Code of Alabama 1975, relating to the creation of the Alabama Legacy for Environmental Research Trust.

COMMITTEE ON WAYS AND MEANS

By Representative Petelos:

H. 863. To amend Section 15-23-5 of the Code of Alabama 1975, relating to the duties of the Alabama Crime Victims Compensation Commission to authorize payment for sexual assault examinations; to amend Section 15-23-12 relating to claims which may be denied or reduced; to amend Section 15-23-16 to increase the cap on expenditures for administrative purposes; to amend Section 15-23-17 relating to crime victim costs and assessments to clarify that the additional costs and crime victim assessments shall be assessed in certain juvenile and youthful offender cases.

COMMITTEE ON WAYS AND MEANS

By Representative Lindsey (With Notice and Proof):

H. 864. Relating to Cleburne County; authorizing the county commission to levy an additional annual issuance fee upon motor vehicles in the county and providing for the disposition of the fee.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 864, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Lindsey (With Notice and Proof):

H. 865. Relating to Cleburne County; amending Section 1 of Act No. 90-643, H. 821 of the 1990 Regular Session (Acts 1990, p. 1198), relating to recording fees on each real property instrument and each personal property instrument filed for record in the Office of the Judge of Probate, so as to further provide for the fees and the instruments.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 865, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turner:

H. 866. To amend Section 11-43-144, Code of Alabama 1975; to provide further for compensation for death or disability of fire fighters from occupational diseases.

COMMITTEE ON INSURANCE

By Representatives McMillan and Penry:

H. 867. To create the Order of Honorable Alabama Generals and Admirals.

COMMITTEE ON STATE ADMINISTRATION

By Representative Burke:

H. 868. Relating to general provisions under contracts; to provide that a party to a contract required to reimburse another party for certain federal

manufacturer's taxes has an option to time those payments to precede immediately the other party's requirement to remit such taxes to the Internal Revenue Service; to provide for a right to security under contracts for payment of such taxes; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Burke (With Notice and Proof):

H. 869. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Ider in DeKalb County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 869, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Baker, Seibenhener, and Clouse:

H. 870. Relating to Houston County, proposing an amendment to the Constitution of Alabama of 1901, authorizing the Legislature to enact legislation providing that the qualified electors of Houston County may vote on candidates for county offices without regard to the political affiliation of the elector.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Allen, Fuller, and Wren:

H. 871. To pledge and appropriate such amounts as may be necessary to pay and to redeem prior to their respective maturities the principal of and the interest on any issue of bonds and refunding bonds of the Alabama Incentives Finance Authority from the revenues retained by the state of Alabama from the in-lieu-of-taxes payments made by the Tennessee Valley Authority following the distribution of a portion of such payments to certain counties in the State of Alabama as provided in Section 40-28-2 of the Code of Alabama 1975, and the pledge and appropriation of TVA payments pursuant to Section 41-9-783 of the Code of Alabama 1975, for the Tennessee Valley Exhibit Commission Bonds outstanding on the effective date of this Act.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Allen, and Wren:

H. 872. To authorize the incorporation of Alabama Incentives Financing Authority; to provide for its governance and to confer upon it certain powers; to grant to the authority the power to issue or guarantee not exceeding \$150,000,000 principal amount bonds for the purpose of financing industrial and research facilities and training facilities and paying management fees referable to any such training facilities; to appropriate to the authority for payment of debt service on debt obligations of the authority and related ongoing financing costs and other obligations of the authority so much as may be necessary of (a) the revenues retained by the state from the in-lieu-of-taxes payments made by The Tennessee Valley Authority and (b) certain proceeds of an excise tax on financial institutions levied by Section 40-16-4 of the Code of Alabama 1975, as amended by H.B. _____ introduced at the 1995 Regular Session of the Legislature of Alabama; to authorize the pledge by the authority of the funds so appropriated and certain other funds available to the authority for payment of its obligations; to provide for the manner of ownership, operation, leasing, and disposition of facilities directly or indirectly financed by the authority; to provide for the manner of issuing and securing its obligations and providing for the incontestability thereof under certain conditions; to grant tax exemptions respecting the bonds of the authority, the interest thereon, and the authority's property and operations and other exemptions; to exempt the authority from the jurisdiction of certain state agencies and from competitive bid laws; and to provide for the dissolution of the authority.

COMMITTEE ON WAYS AND MEANS

By Representative Dukes:

H. 873. To amend Section 11-51-91, Code of Alabama 1975, which relates to license taxes in the police jurisdiction of a municipality, so as to provide that any calculation as to the cost of providing services in the police jurisdiction shall not be required to be made based upon the incremental cost accounting method or any similar method which excludes therefrom the fixed or capital cost or expenditures of the municipality to provide services in the police jurisdiction; to provide that it shall be sufficient calculation that the municipality make a reasonable estimate of the cost of providing the services within the police jurisdiction, including any fixed or capital cost it deems reasonable; to provide that a municipal governing body may cease to levy and collect license taxes, sales taxes, and use taxes within its respective police jurisdiction and, at the same time, cease providing services in the police jurisdiction financed in whole or in part thereby and to establish a procedure for the implementation thereof; to provide for the return of excess taxes collected from the police jurisdiction; to authorize a municipality that has terminated police jurisdiction services to enter into written contracts with businesses and residents located outside the corporate limits of the municipality to provide services for a fee, provided, adequate equipment and personnel are available and not being used to provide services to the businesses or residents located outside the corporate limits of the municipality, but within the police jurisdiction; to provide immunity from any liability or damages arising out of or in

any way associated with the decision to terminate police jurisdiction services and taxation in the police jurisdiction; to provide that no city or town shall be required or compelled through injunctive, declaratory, or any other form of equitable or mandatory relief by any court of competent jurisdiction of this state to continue to provide any services within its respective police jurisdiction; to provide that this act shall not prohibit any city or town from providing services in its police jurisdiction or elsewhere as otherwise authorized to do by state law; to provide that nothing in this act shall prohibit a municipality which has terminated services in its police jurisdiction or any instrumentality thereof from exercising code enforcement powers in the police jurisdiction for a fee, provided that the fee shall be related to the actual cost of providing the code enforcement services; to provide that nothing in this act shall prohibit a municipality which has terminated services in its police jurisdiction or an instrumentality thereof from providing or continuing to provide solid waste or utility services outside the corporate limits of the municipality for a fee; to provide that nothing in this act shall prohibit a municipal planning commission from exercising its full planning jurisdiction as established by law; and to validate ordinances previously adopted and implemented to terminate services within the police jurisdiction and the levy and collection of license taxes, sales taxes, and use taxes within the police jurisdiction.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Fuller:

H. 874. To make an appropriation of \$42,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 875. To make an appropriation of \$300,000 from the State General Fund to the Sentencing Institute for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 876. To make an appropriation of \$49,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 877. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. in the sum of \$73,442 for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

RESOLUTION

The following resolution was introduced:

By Representative Dolbare:

H.J.R. 288. CREATING A JOINT INTERIM LEGISLATIVE COMMISSION ON PRESERVATION OF FAMILY HEALTH CARE CHOICES.

The resolution, H.J.R. 288, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 195. Relating to an income taxation for corporations; to provide income tax credits under certain conditions for corporations producing coal mined in Alabama.

by a majority of the whole number elected to the Senate, said vote being: Yeas 33, Nays 0.

And said Bill, HB 195, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 469. To amend Sections 28-2-23 and 28-3-190, Code of Alabama 1975, to make technical corrections to the Malt Beverage Tax distribution and Local Beer Tax distribution, such that references to minimum program shall be changed to foundation program along with other necessary technical corrections which will facilitate the implementation of the K-12 Foundation Program.

McDOWELL LEE
Secretary

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 666, were temporarily carried over at the request of Representative Black (L).

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 771, were temporarily carried over at the request of Representative Thomas (J).

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 781, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Fuller, Gaston, Guin, Hammett, Haney, Hawk, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Layson, Maull, McAdory, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turnham, Warren, White, Willis and Wren.

-56

And the bill:

H. 781. To authorize the Baldwin County Commission and any municipality located in Baldwin County to contract for the administration and enforcement by a designee of any tax or license levied in the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Haney, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, Melton, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Vance, Warren, White, Willis and Wren.

-61

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 782, was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, White, Willis and Wren.

-65

And the bill:

H. 782. To prohibit the Building Official of Baldwin County, Alabama, from issuing a building permit for construction of improvements which use certain clays and other materials which are potentially discoloring to the natural white sands and waters in certain areas of the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Guin, Hall (L), Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren, White and Willis.

-69

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, S. 476, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Page, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren and Wren.

-64

And the bill:

S. 476. Relating to the Etowah County Commission; establishing and defining boundaries of the single-member district county governing body, pursuant to the Joint Remedy Proposal, in the court order dated January 30, 1995, and related orders, in Civil Action No. 89-T-459-E in the United States District Court for the Middle District of Alabama, Eastern Division, in the case of Presley et al v. Etowah County Commission; relating to budgetary and expenditure matters for roads and bridges; relating to duties of the commissioners and the county road supervisor; providing for the chair of the commission; and providing that commissioners shall be on a part-time status; providing for the compensation and expenses of the commissioners; and repealing conflicting laws.

was read a third time at length and passed.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Page, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren and White.

-66

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morton, the Budget Isolation Resolution relating to the bill, H. 682, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, Melton, Millican, Moore, Morton, Murphree, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance and Warren.

-62

And the bill:

H. 682. To authorize any Class 1 municipality to grant pension benefit increases to participants in former municipality retirement systems and to provide for related matters.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carothers, Clouse, Crigler, Curry, Dean, Drake, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Penry, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Turnham, Vance, Warren and White.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (J), the Budget Isolation Resolution relating to the bill, H. 808, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hawkins, Hill, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Kennedy, Knight (A), Letson, Lindsey, McAdory, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (D), Papucci, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Warren and White.

-58

And the bill:

H. 808. Relating to Jefferson County; levying an additional one percent lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau for the promotion of Birmingham and Jefferson County as a convention, sports event, and visitors' destination.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dukes, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hawkins, Hill, Hilliard, Hogan, Johnson (E), Johnson (R), Kennedy, Knight (A), Letson, Lindsey, McAdory, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Murphree, Newton (D), Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Spratt, Thomas (J), Turnham, Vance, Warren, White and Willis.

-55

Nay:

Representative Petelos.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hawkins, the Budget Isolation Resolution relating to the bill, H. 756, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (L), Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Thomas (J), Turnham, Vance, Warren, Willis and Wren.

-59

And the bill:

H. 756. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hoover, in Jefferson County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Ford, Gaines, Gaston, Gipson, Guin, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, McAdory, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Warren, White, Willis and Wren.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hawkins, the Budget Isolation Resolution relating to the bill, H. 758, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Ford, Gaines, Gaston, Gipson, Guin, Haney, Hawkins, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Letson, Lindsey, McAdory, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Warren, Willis and Wren.

-59

And the bill:

H. 758. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hoover, in Jefferson County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Crigler, Dean, Dukes, Galliher, Gaston, Gipson, Guin, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen,

Knight (A), Letson, Lindsey, McAdory, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Pringle, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

-54

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, H. 796, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Ford, Gaines, Gaston, Gipson, Guin, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, McAdory, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Papucci, Parker (P), Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren and Willis.

-59

And the bill:

H. 796. To repeal Act No. 93-927, H. 52, First Special Session 1993 (First Special Session Acts 1993, p. 245), which relates to procedures for converting prior service to creditable service in the retirement system in Jefferson County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, McAdory, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

-62

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 289. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 20th legislative day, Wednesday, June 21, 1995, taking precedence over the regular order of business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 179 - By Knight (J) (As Substituted)	101
Contracts re improvements on real property, payments by owner and contractors to general contractors, subcontractors, and suppliers within specified times, interest	
H. 405 - By Sanderson	96
Cancer, Statewide Registry, estab., St. Health Officer to administer, Secs. 22-13-4, 22-13-5 am'd., Secs. 22-13-2, 22-13-6 to 22-13-11, inclusive, repealed	
H. 285 - By McDaniel	7
Agricultural and Conservation Development Commission, appt. of designees and replacement of designees provided for, Sec. 9-8A-3 am'd.	
H. 297 - By Morrow	49
Corrections Dept., prison facilities, electric fence system	
H. 321 - By Carothers (As Amended)	21
Fire Protection industries, reg., State Fire Marshall to have rule-making authority, penalties	

H. 425 - By Gipson 62

Motorcycles, distinctive tags for, fees, Sec. 32-6-150 am'd.

H. 647 - By McKee 69

Teachers' Retirement System, credit for prior service with Alabama Arts Council

H. 561 - By Burke (As Amended) 95

Emergency Medical Services, ambulance operators, licensure regulated, advisory committee created, Secs. 22-18-1, 22-18-3, 22-18-4, 22-18-5, 22-18-6 am'd.

H. 518 - By Hilliard (As Amended) 57

Municipal sewer systems, landowner requesting connection req. to pay assessment, if previous assessment has expired and landowner has not paid previous assessment amt., plumbing conditional on payment

H. 614 - By Dean (As Amended) 77

Budget Management Act, Gov. req. to present budgets first day of Second Legislative Session in each term of office, Sec. 41-19-3 am'd.

H. 759 - By Johnson (R) 94

Institute for Deaf and Blind, bd. of trustees composition alt., Sec. 21-1-2 am'd.

The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

Inst Id	Page
---------	------

H. 675 - By Starkey (As Amended)	78
----------------------------------	----

Administrative Procedure, rules, no rule change to be valid if it increases revenue, Sec. 41-22-5 am'd.

H. 806 - By Box	90
-----------------	----

Taxpayers' Bill of Rights, revenue rulings alt., appeals, legis. intent, Secs. 40-2A-5, 40-2A-7, 40-2A-9, 40-2A-10, 40-2A-11 am'd.

**REGULAR SESSION
20th Day**

1925

H. 129 - By Hooper (As Amended) 25

Motor vehicles, certificate of title, "total loss" defined, issuance of new title containing words "rebuilt", Sec. 32-8-87 am'd.

H. 535 - By Knight (A) (As Amended) 56

Mandatory garbage collection, imposed in cos. and muns., Secs. 22-27-1, 22-27-2, 22-27-3, 22-27-5, 22-27-48 am'd.; Secs. 22-27-4, 22-27-6, 22-27-7 repealed

H. 322 - By McDaniel 8

Industrial Relations Dept., assessment pursuant to Employee Security Program, deleted, termination date, Secs. 25-4-40.1, 25-4-54 am'd.

H. 194 - By Turner 7

Candidates for cert. judicial offices, disclosure statements, req., penalties provided

H. 462 - By Parker (T) (As Amended and Substituted) 2

Motor vehicles, seizure of vehicle driven by person with suspended driver's license, procedures, distrib. of fees, penalties

H. 600 - By Haney (as Amended) 83

Attorney General, office of, personnel and fiscal operations, further provided for, numerous code sections amended and repealed

H. 189 - By Turner (As Amended and Substituted) 9

Employees' Retirement System, participation by cert. co. officers in lieu of a supernumerary system, const. amend.

H. 435 - By McKee 20

Child and spousal support, revocation of licenses, including driver's and professional licenses, for failure to pay, hearing before Human Resources Dept.

H. 158 - By Crigler (As Amended) 18

Agriculture or seafood, disparagement, crime of further defined, civil action extended, Secs. 6-5-620, 6-5-621, 6-5-624 am'd.

H. 648 - By Reed (As Substituted) 103

Tuskegee University, approp. from Special Educational Trust Fund of \$5,000,000 for fiscal year ending September 30, 1995

H. 649 - By Reed (As Substituted) 103

Tuskegee University, approp. of \$5,000,000 from Special Educational Trust fund for fiscal year ending September 30, 1995

MOTION TO ADOPT

Representative Carter offered the motion to adopt the resolution, H.R. 289.

AMENDMENT OFFERED

Representative Buskey offered the following amendment to the resolution, H.R. 289:

On page 4, delete lines 5-8, inclusive.

AMENDMENT TABLED

On motion of Representative Carter, the amendment offered by Representative Buskey to the resolution, H.R. 289, was tabled.

Yeas 42; Nays 33.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Gaines, Galliher, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hill, Hogan, Hooper, Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, Minnifield, Moore, Morton, Murphree, Papucci, Parker (P), Petelos, Rogers (M), Sanderford, Sanderson, Starkey, Thomas (D), Townsend and Turner.

Nay:

Representatives Bandy, Boyd, Buskey, Carothers, Carter, Clouse, Haney, Hayden, Hilliard, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Maull, McAdory, McMillan, Melton, Millican, Mitchell, Newton (D), Payne, Penry, Reed, Rogers (J), Seibenhener, Sims, Smith, Spratt, Thomas (J), Warren, White and Willis.

-33

RESOLUTION ADOPTED

The question was then on the motion offered by Representative Carter to adopt the resolution, H.R. 289, and the resolution was adopted.

Yeas 57; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Carter, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hawk, Hawkins, Hill, Hilliard, Hogan, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Morton, Murphree, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Rogers (M), Sanderson, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Warren, White and Willis.

-57

Nay:

Representatives Houston, McAdory, Newton (D), Rogers (J), Seibenhener and Smith.

- 6

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 179, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

-92

And the bill:

H. 179. (With Substitute): To require timely payments to contractors, subcontractors, sub-subcontractors, and suppliers; and to provide for interest on late payments.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Small Business, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To require timely payments to contractors, subcontractors, and sub-subcontractors; and to provide for interest on late payments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purpose of this act, the following words have the following meanings:

(1) CONTRACTOR. Any person, individual, firm, corporation, partnership, or other legal entity who contracts with an owner to improve real property or perform construction services for an owner.

(2) IMPROVE. To build, effect, alter, repair, or demolish any improvements upon, connected with, or on, or beneath the surface of any real property; to excavate, clear, grade, fill, landscape any real property; to construct driveways and roadways; to furnish materials, including trees and shrubbery, for any of these purposes; or to perform any labor upon these improvements.

(3) **IMPROVEMENT.** All or any part of any building, structure, erection, alteration, demolition, excavation, clearing, grading, filling, or landscaping, including trees and shrubbery, driveways, and roadways on real property.

(4) **OWNER.** Any person, individual, firm, corporation, partnership, or other legal entity who has an interest in the real property improved and for whom an improvement is made, who either directly or by agent ordered the improvement to be made.

(5) **REAL PROPERTY.** The real estate that is improved, including lands, leaseholds, tenements, and improvements placed on the real property.

(6) **SUBCONTRACTOR.** Any person, individual, firm, corporation, partnership, or other legal entity who has contracted to furnish labor or materials to, or has performed labor or supplied materials for a contractor in connection with a contract to improve real property.

(7) **SUB-SUBCONTRACTOR.** Any person, individual, firm, corporation, partnership, or other legal entity who has contracted to furnish labor or materials to, or has performed labor or supplied materials for a subcontractor in connection with a contract to improve real property.

Section 2. Performance by a contractor, subcontractor, or sub-subcontractor in accordance with the provisions of his or her contract entitles them to payment from the party with whom they contract. All contracts between parties require a date of payment.

Section 3. (a) When a contractor has performed pursuant to his or her contract and submits an application or pay request for payment or an invoice for materials, to the owner or owner's representative, the owner shall timely pay the contractor by mailing via first class mail or delivering the amount of the pay request or invoice in accordance with the payment terms agreed to by the owner and the contractor, the agreed upon payment terms must be specified in all contract documents, but if payment terms are not agreed to, then within 30 days after receipt of the pay request or invoice.

(b) When a subcontractor has performed pursuant to his or her contract and submits an application or pay request for payment or an invoice for materials to a contractor in sufficient time to allow the contractor to include the application, request, or invoice in his or her own pay request submitted to an owner, the contractor shall timely pay to the subcontractor in accordance with the payment terms agreed to by the contractor and subcontractor, but if payment terms are not agreed to, then within seven days of receipt of payment from owner by mailing via first class mail or delivering the amount received for the subcontractor's work and materials based on work completed or service provided under the contract.

(c) When a sub-subcontractor has performed labor or supplied materials for a subcontractor pursuant to his or her contract and submits an application or pay request for payment or an invoice for materials to a subcontractor in sufficient time to allow the subcontractor to include the application, request, or invoice in his or her own pay request submitted to a contractor, the subcontractor shall timely pay the sub-subcontractor in accordance with the payment terms agreed to by the subcontractor and sub-subcontractor but if payment terms are not agreed to, then within seven days of receipt of payment from contractor by mailing via first class mail or delivering the amount received for the sub-subcontractor's work and materials based on work completed or service provided under the contract.

(d) If the owner, contractor, or subcontractor does not make payment in compliance with this act, the owner, contractor, or subcontractor shall be obligated to pay his or her contractor, subcontractor, or sub-subcontractor interest at the rate of one percent per month (12% per annum) on the unpaid balance due.

(e) A contractor who receives a payment under subsection (a) of this section or otherwise, from an owner in connection with a contract shall pay each of its subcontractors the portion of the owner's payment to the extent of that subcontractor's interest in the owner's payment. The payment shall include interest, if any, that is attributable to work performed or materials suitably stored by that subcontractor if payment for stored materials is provided for in the contract. The payment required by this subsection shall be made not later than the seventh day after the date the contractor receives the owner's payment.

(f) The percentage of retainage on payments by the contractor to the subcontractor shall not exceed the percentage of retainage on payments made by the owner to the contractor. Any percentage of retainage on payments made by contractor to the subcontractor that exceeds the percentage of retainage on payments made by the owner to the contractor shall be subject to interest to be paid by the contractor to the subcontractor at the rate of one percent per month (12% per annum).

(g) The percentage of retainage on payments by the subcontractor to the sub-subcontractor shall not exceed the percentage of retainage on payments made by the contractor to the subcontractor. Retainage on payments made by the subcontractor to the sub-subcontractor that exceeds the percentage of retainage on payments made by the contractor to the subcontractor shall be subject to interest paid at the rate of one percent per month (12% per annum).

Section 4. (a) Nothing in this act shall prevent the owner, contractor, or subcontractor from withholding application and certification for payment for any of the following reasons if there is a bona fide dispute over one or more of the following:

- (1) Unsatisfactory job progress.
- (2) Defective construction not remedied.

(3) Disputed work.

(4) Third party claims filed or reasonable evidence that a claim will be filed.

(5) Failure of the contractor, subcontractor, or sub-subcontractor to make timely payments for labor, equipment, and materials.

(6) Property damage to owner, contractor, or subcontractor.

(7) Reasonable evidence that the contract, subcontract, or sub-subcontract cannot be completed for the unpaid balance of the contract or contract sum.

(b) In the event that there is a bona fide dispute over all or any portion of the amount due on a progress payment from the owner, contractor, or subcontractor then the owner, contractor, or subcontractor may withhold payment in an amount not to exceed 2 times the disputed amount.

(c) An owner is required to notify a contractor in writing within 15 days of receipt of any disputed request for payment. A contractor, subcontractor and sub-subcontractor is required to provide written notification within 5 days of disputed request for payment or notice of disputed request for payment.

Section 5. A party may not waive the right to receive interest before a payment is due under a contract subject to this section. A party may waive the interest due on any late payment on or after the date the payment is due under Section 3.

Section 6. (a) A contractor, subcontractor, or sub-subcontractor may file a civil action solely against the party contractually obligated for the payment of the amount claimed to recover the amount due plus the interest accrued in accordance with this act. If the court finds in the civil action that the owner, contractor, or subcontractor has not made payment in compliance with this act, the court shall award the interest specified in this act in addition to the amount due. In any such civil action, the party in whose favor a judgement is rendered shall be entitled to recover payment of reasonable attorneys' fees, court costs and reasonable expenses from the other party.

(b) No provision of this act regarding entitlement to interest, attorney fees, or court costs may be waived by agreement and any such term in any contract or agreement is void and unenforceable as against public policy except as stated in Section 5.

Section 7. This act does not apply to the following:

(1) Residential improvements.

(2) Improvements to real property intended for residential purposes which consist of 16 or fewer residential units.

(3) Contracts, subcontracts, or sub-subcontracts in the amount of ten thousand dollars (\$10,000) or less.

(4) Contracts with the State or local governments of the State of Alabama.

Section 8. This act does not amend or modify existing laws relating to Mechanics and Materialmen liens and shall not be applicable in civil actions pursuant to Title 35, Chapter 11, Division 8, Code of Alabama 1975.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. Existing contracts shall not be affected.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance and Warren.

-89

S. 74 SUBSTITUTED FOR H. 179

In accordance with House Rule 20 and on motion of Representative Knight (J), the bill, S. 74, was substituted for the bill, H. 179, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, S. 74, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren, White and Willis.

-91

And the bill:

S. 74. (With Substitute): To require timely payments to contractors, subcontractors, sub-subcontractors, and suppliers; and to provide for interest on late payments.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Small Business, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To require timely payments to contractors, subcontractors, and sub-subcontractors; and to provide for interest on late payments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purpose of this act, the following words have the following meanings:

(1) **CONTRACTOR.** Any person, individual, firm, corporation, partnership, or other legal entity who contracts with an owner to improve real property or perform construction services for an owner.

(2) **IMPROVE.** To build, effect, alter, repair, or demolish any improvements upon, connected with, or on, or beneath the surface of any real property; to excavate, clear, grade, fill, landscape any real property; to construct driveways and roadways; to furnish materials, including trees and shrubbery, for any of these purposes; or to perform any labor upon these improvements.

(3) **IMPROVEMENT.** All or any part of any building, structure, erection, alteration, demolition, excavation, clearing, grading, filling, or landscaping, including trees and shrubbery, driveways, and roadways on real property.

(4) **OWNER.** Any person, individual, firm, corporation, partnership, or other legal entity who has an interest in the real property improved and for whom an improvement is made, who either directly or by agent ordered the improvement to be made.

(5) **REAL PROPERTY.** The real estate that is improved, including lands, leaseholds, tenements, and improvements placed on the real property.

(6) **SUBCONTRACTOR.** Any person, individual, firm, corporation, partnership, or other legal entity who has contracted to furnish labor or materials to, or has performed labor or supplied materials for a contractor in connection with a contract to improve real property.

(7) **SUB-SUBCONTRACTOR.** Any person, individual, firm, corporation, partnership, or other legal entity who has contracted to furnish labor or materials to, or has performed labor or supplied materials for a subcontractor in connection with a contract to improve real property.

Section 2. Performance by a contractor, subcontractor, or sub-subcontractor in accordance with the provisions of his or her contract entitles them to payment from the party with whom they contract. All contracts between parties require a date of payment.

Section 3. (a) When a contractor has performed pursuant to his or her contract and submits an application or pay request for payment or an invoice for materials, to the owner or owner's representative, the owner shall timely pay the contractor by mailing via first class mail or delivering the amount of the pay request or invoice in accordance with the payment terms agreed to by the owner and the contractor, the agreed upon payment terms must be specified in all contract documents, but if payment terms are not agreed to, then within 30 days after receipt of the pay request or invoice.

(b) When a subcontractor has performed pursuant to his or her contract and submits an application or pay request for payment or an invoice for materials to a contractor in sufficient time to allow the contractor to include the application, request, or invoice in his or her own pay request submitted to an owner, the contractor shall timely pay to the subcontractor in accordance with the payment terms agreed to by the contractor and subcontractor, but if payment terms are not agreed to, then within seven days of receipt of payment from owner by mailing via first class mail or delivering the amount received for the subcontractor's work and materials based on work completed or service provided under the contract.

(c) When a sub-subcontractor has performed labor or supplied materials for a subcontractor pursuant to his or her contract and submits an application or pay request for payment or an invoice for materials to a subcontractor in sufficient time to allow the subcontractor to include the application, request, or invoice in his or her own pay request submitted to a contractor, the subcontractor shall timely pay the sub-subcontractor in accordance with the payment terms agreed to by the subcontractor and sub-subcontractor but if payment terms are not agreed to, then within seven days of receipt of payment from contractor by mailing via first class mail or delivering the amount received for the sub-subcontractor's work and materials based on work completed or service provided under the contract.

(d) If the owner, contractor, or subcontractor does not make payment in compliance with this act, the owner, contractor, or subcontractor shall be obligated to pay his or her contractor, subcontractor, or sub-subcontractor interest at the rate of one percent per month (12% per annum) on the unpaid balance due.

(e) A contractor who receives a payment under subsection (a) of this section or otherwise, from an owner in connection with a contract shall pay each of its subcontractors the portion of the owner's payment to the extent of that subcontractor's interest in the owner's payment. The payment shall include interest, if any, that is attributable to work performed or materials suitably stored by that subcontractor if payment for stored materials is provided for in the contract. The payment required by this subsection shall be made not later than the seventh day after the date the contractor receives the owner's payment.

(f) The percentage of retainage on payments by the contractor to the subcontractor shall not exceed the percentage of retainage on payments made by the owner to the contractor. Any percentage of retainage on payments made by contractor to the subcontractor that exceeds the percentage of retainage on payments made by the owner to the contractor shall be subject to interest to be paid by the contractor to the subcontractor at the rate of one percent per month (12% per annum).

(g) The percentage of retainage on payments by the subcontractor to the sub-subcontractor shall not exceed the percentage of retainage on payments made by the contractor to the subcontractor. Retainage on payments made by the subcontractor to the sub-subcontractor that exceeds the percentage of retainage on payments made by the contractor to the subcontractor shall be subject to interest paid at the rate of one percent per month (12% per annum).

Section 4. (a) Nothing in this act shall prevent the owner, contractor, or subcontractor from withholding application and certification for payment for any of the following reasons if there is a bona fide dispute over one or more of the following:

(1) Unsatisfactory job progress.

(2) Defective construction not remedied.

(3) Disputed work.

(4) Third party claims filed or reasonable evidence that a claim will be filed.

(5) Failure of the contractor, subcontractor, or sub-subcontractor to make timely payments for labor, equipment, and materials.

(6) Property damage to owner, contractor, or subcontractor.

(7) Reasonable evidence that the contract, subcontract, or sub-subcontract cannot be completed for the unpaid balance of the contract or contract sum.

(b) In the event that there is a bona fide dispute over all or any portion of the amount due on a progress payment from the owner, contractor, or subcontractor then the owner, contractor, or subcontractor may withhold payment in an amount not to exceed 2 times the disputed amount.

(c) An owner is required to notify a contractor in writing within 15 days of receipt of any disputed request for payment. A contractor, subcontractor and sub-subcontractor is required to provide written notification within 5 days of disputed request for payment or notice of disputed request for payment.

Section 5. A party may not waive the right to receive interest before a payment is due under a contract subject to this section. A party may waive the interest due on any late payment on or after the date the payment is due under Section 3.

Section 6. (a) A contractor, subcontractor, or sub-subcontractor may file a civil action solely against the party contractually obligated for the payment of the amount claimed to recover the amount due plus the interest accrued in accordance with this act. If the court finds in the civil action that the owner, contractor, or subcontractor has not made payment in compliance with this act, the court shall award the interest specified in this act in addition to the amount due. In any such civil action, the party in whose favor a judgement is rendered shall be entitled to recover payment of reasonable attorneys' fees, court costs and reasonable expenses from the other party.

(b) No provision of this act regarding entitlement to interest, attorney fees, or court costs may be waived by agreement and any such term in any contract or agreement is void and unenforceable as against public policy except as stated in Section 5.

Section 7. This act does not apply to the following:

(1) Residential improvements.

(2) Improvements to real property intended for residential purposes which consist of 16 or fewer residential units.

(3) Contracts, subcontracts, or sub-subcontracts in the amount of ten thousand dollars (\$10,000) or less.

(4) Contracts with the State or local governments of the State of Alabama.

Section 8. This act does not amend or modify existing laws relating to Mechanics and Materialmen liens and shall not be applicable in civil actions pursuant to Title 35, Chapter 11, Division 8, Code of Alabama 1975.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. Existing contracts shall not be affected.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White and Willis.

And the bill, S. 74, as amended, was read a third time at length and passed.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White and Willis.

-95

H. 179 INDEFINITELY POSTPONED

On motion of Representative Knight (J), the bill, H. 179, as amended, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 405, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Warren, White and Willis.

-92

S. 248 SUBSTITUTED FOR H. 405

In accordance with House Rule 20 and on motion of Representative Sanderson, the bill, S. 248, was substituted for the bill, H. 405.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, S. 248, was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White and Willis.

-94

And the bill:

S. 248. To amend Sections 22-13-4 and 22-13-5, Code of Alabama 1975; to provide for the reporting of each confirmed case of cancer to the State Health Officer and to establish the Alabama Statewide Cancer Registry; and to repeal Sections 22-13-2 and 22-13-6 to 22-13-11, inclusive, Code of Alabama 1975.

was read a third time at length and passed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory,

McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Warren, White and Willis.

-92

H. 405 INDEFINITELY POSTPONED

On motion of Representative Sanderson, the bill, H. 405, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 285, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White and Willis.

-89

And the bill:

H. 285. To amend Section 9-8A-3, Code of Alabama 1975, relating to the appointment of members to the Alabama Agricultural and Conservation Development Commission; to provide for the appointment of designees by members; and to provide for the replacement of a designee who is absent from three or more consecutive meetings without cause.

was taken up.

SUBSTITUTE OFFERED

Representative McDaniel offered the following substitute to the bill, H. 285:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 9-8A-3, Code of Alabama 1975, relating to the appointment of members to the Alabama Agricultural and Conservation Development Commission; to provide for the appointment of designees by members; to provide for the replacement of a designee who is absent from three or more consecutive meetings without cause, and would remove the appointed member of the Alabama Agricultural Stabilization and Conservation Committee from the commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 9-8A-3 of the Code of Alabama 1975, is amended to read as follows:

"§9-8A-3.

"(a) The members of the commission shall consist of the Governor; the Commissioner of Agriculture and Industries; the President of the Alabama Farmers Federation; the President of the Alabama Cattlemen's Association; the ~~Chairman~~ Chair of the State Soil and Water Conservation Committee; a member of the Alabama Forestry Commission designated by the Governor; ~~a member of the Alabama Agricultural Stabilization and Conservation Committee designated by the Governor;~~ the President of the Alabama Association of Conservation Districts; and two citizens of the state of good reputation who are active farmers or timberland owners or involved in environmental protection appointed by the Governor. Each voting member of the commission, except the two citizens appointed by the Governor, may appoint a designee to represent him or her at all commission meetings. The members of the commission may request that a member replace his or her designee if the designee has been absent from three or more consecutive meetings without good cause. The ~~Chairman~~ Chair of the Senate Agriculture, Conservation and Forestry Committee, the ~~Chairman~~ Chair of the House Agriculture and Forestry Committee, ~~and two members of the house, and two members of the senate appointed by the Speaker of the House and the Lieutenant Governor, respectively,~~ shall also serve as nonvoting ex officio members of the commission and as an oversight committee to review and report to the legislature respecting the programs and activities of the commission. The members of the commission appointed by the Governor shall be appointed at the beginning of each organizational session of the legislature to serve until the next organizational session of the legislature; provided, however, that the initial appointed members will be appointed promptly following ratification by the qualified electors of the state of the amendment to the Constitution of Alabama 1901 that was proposed by House Bill 10 introduced at that Special Session of the legislature that convened

on January 23, 1985. Each member shall hold office for the term of his or her appointment, if he or she is appointed, or as long as he or she serves in one of the positions listed above, and until his or her successor shall have been appointed and qualified.

"(b) The Governor shall serve as ~~chairman~~ chair of the commission and the commission shall elect from among its members a ~~vice-chairman~~ vice-chair, a secretary, and such other officers as it may determine. ~~The Governor may designate, in a writing delivered to the commission, a citizen of the state of good reputation to serve as the Governor's representative on the commission who shall be entitled to vote and participate in the activities of the commission in the absence of the Governor, to serve at the Governor's pleasure and concurrently with the incumbency in office of the Governor.~~ The State Treasurer of Alabama shall serve as treasurer of the commission.

"(c) If at any time there ~~shall be~~ is a vacancy among the appointed members of the commission, a successor member shall be appointed to serve for the unexpired term applicable to ~~such~~ the vacancy. The appointment of each appointed member of the commission, (other than those initially appointed), whether for a full term or to complete an unexpired term, shall be made by the same officer of the state who appointed the member of the commission whose term ~~shall have~~ has expired or is to expire or in whose position on the commission the vacancy otherwise exists, and The appointment shall be made not earlier than 30 days prior to the date on which ~~such~~ the member of the commission is to take office ~~as such~~. Each appointed member of the commission shall hold office from the effective date of his or her appointment until the expiration of the term, (or portion thereof), for which he or she was appointed, ~~; provided that~~ and if the term of any member of the commission ~~shall expire~~ expires prior to the reappointment of ~~such~~ the member of the commission or prior to the appointment of his or her successor, ~~such~~ the member of the commission shall continue to serve until his or her successor is appointed, and if ~~such~~ the member of the commission is reappointed for a new term after the expiration of the immediately preceding term which he or she has been serving, his or her new term of office shall be deemed to have commenced at noon on the date on which the immediately preceding term shall have expired. Members of the commission shall be eligible for reappointment without limit as to the number of terms previously served.

"(d) Each member of the commission shall, at the time of his or her appointment or otherwise becoming a member and at all times during his or her term of office, be a qualified elector of the state, and a failure by any member of the commission to remain so qualified during ~~such~~ the term shall cause a vacancy of the office of ~~such~~ the member of the commission. Any member of the commission may be impeached and removed from office as a member of the commission in the same manner and on the same grounds provided in Section 173 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers of the state subject to ~~said~~ section 173 or successor provision thereof. The Governor and the Commissioner of Agriculture and Industries may not be impeached and removed from

office as members of the commission apart from their impeachment and removal from the respective offices by virtue of which, ex officio, they serve as members of the commission.

"(e) Regular meetings of the commission shall be held at ~~such~~ the time and place ~~as shall be fixed by resolution or by law of the commission, and special~~ Special meetings of the commission shall be held at the call of the ~~chairman~~ chair or whenever three members of the commission so request, in each case upon two days' notice to each member of the commission given in person or by registered letter or telegram; ~~provided, however, that such~~ . The notice to each member of the commission may be waived by ~~such~~ the member of the commission, either before or after the meeting with respect to which ~~such~~ notice would otherwise be required. A majority of the voting members of the commission shall constitute a quorum for the transaction of business ~~by the commission~~, and decisions shall be made and resolutions adopted on the basis of a majority of the quorum then present and voting, with each voting member of the commission ~~to have~~ having a single vote. No vacancy in the membership of the commission or the voluntary disqualification or abstention of any member of the commission shall impair the right of a quorum to exercise all of the powers and duties of the commission. No member or officer of the commission shall receive any salary therefor, but he may be reimbursed for necessary travel and the reasonable expenses of performing the duties of office. All proceedings ~~had and done by~~ of the commission shall be reduced to writing by the secretary ~~of the commission, shall be signed by the chairman~~ chair and at least three members of the commission, ~~and shall be~~ recorded in a substantially bound book, and filed in the office of the commission. All proceedings of the commission shall be open to the public, except that executive or secret sessions may be held ~~by the commission~~ when the character or good name of a person is involved, and all records of the commission shall be subject to public inspection during business hours. Copies of ~~such~~ the proceedings, when certified by the secretary ~~of the commission~~ under the seal of the commission, shall be received in all courts as prima facie evidence of the matters and things therein certified.

"(f) No member, officer, or employee of the commission shall be personally liable for the obligations or acts of the commission."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White and Willis.

-91

And the bill:

H. 285. To amend Section 9-8A-3, Code of Alabama 1975, relating to the appointment of members to the Alabama Agricultural and Conservation Development Commission; to provide for the appointment of designees by members; to provide for the replacement of a designee who is absent from three or more consecutive meetings without cause, and would remove the appointed member of the Alabama Agricultural Stabilization and Conservation Committee from the commission.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White and Willis.

-90

LEAVE OF ABSENCE

At the request of Representative Hammett, leave of absence was granted for Representative Venable.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 297, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren, White and Willis.

-88

And the bill:

H. 297. To authorize the Department of Corrections to design and install high voltage electrified security fence systems at any proposed medium or maximum security prison facility.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw,

Hogan, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren, White and Willis.

-85

Nay:

Representative Jackson.

-1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 321, was adopted.

Yeas 66; Nays 1.

Yea:

Mr. Speaker, Baker, Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Warren and White.

-66

Nay:

Representative Maull.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 467. To require the state board of education to review requirements for teacher education; to cause colleges and universities which offer a teacher preparation program to require as a condition for graduation that their students preparing to be teachers pass a nationally normed teacher education test; to authorize the state board of education to approve the use and determine the level deemed to be a passing of the test; to require out-of-state graduates to pass the said nationally normed test before being certified.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 195. Relating to an income taxation for corporations; to provide income tax credits under certain conditions for corporations producing coal mined in Alabama.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 469. To amend Sections 28-2-23 and 28-3-190, Code of Alabama 1975, to make technical corrections to the Malt Beverage Tax distribution and Local Beer Tax distribution, such that references to minimum program shall be changed

to foundation program along with other necessary technical corrections which will facilitate the implementation of the K-12 Foundation Program.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 80. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the jurisdiction of the Franklin County School System.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H. 321 TAKEN UP

And the bill:

H. 321. (With Amendment): To provide for the separate regulation of the planning, installation, inspection, repairing, or testing of fire detection, fire alarm, or fire communication systems and for burglary and similar alarms; to provide for definitions of certain terms; to provide for violations and penalties; to provide for the duties and responsibilities of the State Fire Marshal; to provide for fees; to provide for the implementation of rules and regulations.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. 321 on page 15, section 34-33A-19 lines 7 & 8 by adding after the word "a" the following: Class C

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Vance, Warren, Willis and Wren.

-79

And the bill:

H. 321. To provide for the separate regulation of the planning, installation, inspection, repairing, or testing of fire detection, fire alarm, or fire communication systems and for burglary and similar alarms; to provide for definitions of certain terms; to provide for violations and penalties; to provide for the duties and

responsibilities of the State Fire Marshal; to provide for fees; to provide for the implementation of rules and regulations.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

-80

Nay:

Representatives Dolbare, Gaines, McKee, Payne, Petelos, Robinson and Thomas (D).

- 7

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gipson, the Budget Isolation Resolution relating to the bill, H. 425, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Warren, White, Willis and Wren.

-85

And the bill:

H. 425. To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of personalized license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren, White and Wren.

-89

BUDGET ISOLATION RESOLUTION OFFERED

Representative McKee offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 647.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 289, the time to debate the bill, H. 647, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 561, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, White, Willis and Wren.

-87

And the bill:

H. 561. (With Amendments): To amend Sections 22-18-1, 22-18-3 to 22-18-6, inclusive, Code of Alabama 1975, to conform to the Administrative Procedure Act rulemaking procedures with respect to emergency medical services; to reduce the licensure period for emergency medical technicians and ambulance drivers from three to two years, and to reduce the fee for such licenses from \$15.00 to \$10.00; to clarify language in existing code provisions relating to licensure of emergency medical technicians, ambulance operators, and ambulance drivers; to alter and expand the membership of the existing state emergency medical services advisory board, and to alter and clarify certain of its procedures; to eliminate current criminal penalties for violations of emergency medical services laws and to substitute new more specific provisions; to provide for the revocation of licenses for ambulance drivers, emergency medical technicians, and ambulance operators, to establish the specific grounds leading to adverse licensure action, and to conform such licensure procedures to the Alabama Administrative Procedure Act; to provide for the use of advanced life support procedures by emergency medical technicians and to permit properly staffed emergency vehicles to be equipped with drugs, fluids, and advanced life support equipment; to establish a state emergency medical control committee to advise the board of health; to clarify that the board of health, in fulfilling its responsibilities under the act, must in all cases conform its activities to the Administrative Procedure Act; to clarify that fire suppression activities and non-transport basic life support emergency medical services response of volunteer fire departments shall not be regulated by the board of health; and for other purposes.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. 561 on Page 6, line 10, after the word "residence" and before the period by inserting the following: , provided a convalescent ambulance shall not include a vehicle used exclusively for intra hospital facility transfers

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, White, Willis and Wren.

-83

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. 561 on Page 13, Section 1, after line 23 by inserting the following:

"(25) One member designated by the Alabama Society of Hospital Pharmacists."

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw,

Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White, Willis and Wren.

-89

S. 434 SUBSTITUTED FOR H. 561

In accordance with House Rule 20 and on motion of Representative Burke, the bill, S. 434, was substituted for the bill, H. 561, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, S. 434, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White, Willis and Wren.

-86

And the bill:

S. 434. To amend Sections 22-18-1, 22-18-3 to 22-18-6, inclusive, Code of Alabama 1975, to conform to the Administrative Procedure Act rulemaking procedures with respect to emergency medical services; to reduce the licensure period for emergency medical technicians and ambulance drivers from three to two years, and to reduce the fee for such licenses from \$15.00 to \$10.00; to clarify language in existing code provisions relating to licensure of emergency medical

technicians, ambulance operators, and ambulance drivers; to alter and expand the membership of the existing state emergency medical services advisory board, and to alter and clarify certain of its procedures; to eliminate current criminal penalties for violations of emergency medical services laws and to substitute new more specific provisions; to provide for the revocation of licenses for ambulance drivers, emergency medical technicians, and ambulance operators, to establish the specific grounds leading to adverse licensure action, and to conform such licensure procedures to the Alabama Administrative Procedure Act; to provide for the use of advanced life support procedures by emergency medical technicians and to permit properly staffed emergency vehicles to be equipped with drugs, fluids, and advanced life support equipment; to establish a state emergency medical control committee to advise the board of health; to clarify that the board of health, in fulfilling its responsibilities under the act, must in all cases conform its activities to the Administrative Procedure Act; to clarify that fire suppression activities and non-transport basic life support emergency medical services response of volunteer fire departments shall not be regulated by the board of health; and for other purposes.

was taken up.

AMENDMENT OFFERED

Representative Newton (D) offered the following amendment to the bill, S. 434:

Amend S. 434 on Page 5, Line 4, after the words "include a" insert the following language: hospital operated

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Willis and Wren.

And the bill, S. 434, as amended, was read a third time at length and passed.

Yeas 90; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White, Willis and Wren.

-90

Nay:

Representative Gaines.

- 1

H. 561 INDEFINITELY POSTPONED

On motion of Representative Burke, the bill, H. 561, as amended, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hilliard, the Budget Isolation Resolution relating to the bill, H. 518, was adopted.

Yeas 84; Nays 2.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan,

Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Warren, White and Willis.

-84

Nay:

Representatives Hinshaw and Payne.

- 2

S. 63 SUBSTITUTED FOR H. 518

In accordance with House Rule 20 and on motion of Representative Hilliard, the bill, S. 63, was substituted for the bill, H. 518.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hilliard, the Budget Isolation Resolution relating to the bill, S. 63, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Bandy, Box, Boyd, Burke, Buskey, Clark (W), Collins, Dean, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Layson, McAdory, McClammy, McKee, McMillan, Melton, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Warren and Willis.

-64

And the bill:

S. 63. To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

was read a third time at length and passed.

Yeas 72; Nays 3.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Millican, Mitchell, Morrow, Newton (C), Newton (D), Page, Papucci, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Warren, White and Willis.

-72

Nay:

Representatives Dolbare, Payne and Townsend.

- 3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 599. To state the legislative intent; to define terms used in this act; to designate the Board of Nursing as the sole state authority to establish the qualifications necessary for a registered nurse to be certified as an advanced practice nurse; to authorize the Board of Nursing to adopt rules and regulations governing the certification of the advanced practice nurse; to provide that the State Board of Medical Examiners and the Board of Nursing shall regulate the collaborative practice of physicians and advanced practice nurses which includes certified registered nurse practitioners and certified nurse midwives, to require persons wishing to engage in those two categories of advanced practice nursing to be certified by the Board of Nursing and practice in accordance with protocols approved by the State Board of Medical Examiners and the Board of Nursing to recommend rules and regulations to govern the collaborative relationship between physicians and those two categories of advanced practice nurses; to authorize two categories of advanced practice nurses to prescribe legend drugs; to specify prohibited acts; to establish requirements for disciplinary actions to be initiated by the State Board of Medical Examiners and the Board of Nursing; and to authorize the State Board of Medical Examiners and the Board of Nursing to seek a civil injunction against any person engaged in advanced practice nursing in violation of this act.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dean, the Budget Isolation Resolution relating to the bill, H. 614, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-78

And the bill:

H. 614. (With Amendment): To amend Section 41-19-3, Code of Alabama 1975, relating to the Budget Management Act, to change the date that the Governor is required to present the long-range revenue and expenditure plan to the Legislature.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 614 on page 3, line 2, after the word "second" by inserting the word regular

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-90

And the bill:

H. 614. To amend Section 41-19-3, Code of Alabama 1975, relating to the Budget Management Act, to change the date that the Governor is required to present the long-range revenue and expenditure plan to the Legislature.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-90

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 759, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-81

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to the bill, H. 759.

And the bill:

H. 759. Relating to the Alabama Institute for Deaf and Blind; amending Section 21-1-2 of the Code of Alabama 1975, to alter the composition of the board of trustees of the institution.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-87

CO-SPONSORS ADDED

Representatives Smith and Boyd were added as co-sponsors to the bill, H. 759.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative White intended to vote "Yea" on passage of the bill, H. 759.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Starkey, the Budget Isolation Resolution relating to the bill, H. 675, was adopted.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Mauli, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, Willis and Wren.

-85

Nay:

Representative Dolbare.

-1

And the bill:

H. 675. (With Amendment): To amend Section 41-22-5 of the Code of Alabama 1975, relating to the procedure for the adoption of rules pursuant to the Alabama Administrative Procedure Act, to provide that a rule which increases the taxes, fees, or other revenues administered by an agency by more than a nominal amount shall not be valid.

was taken up.

SUBSTITUTE OFFERED

Representative Starkey offered the following substitute to the bill, H. 675, and to the pending amendment reported by the Standing Committee on State Administration:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 41-22-5 of the Code of Alabama 1975, relating to the procedure for the adoption of rules pursuant to the Alabama Administrative Procedure Act, to provide that a rule or the repeal of a rule issued by the Department of Revenue which increases any taxes, fees, or other revenues administered by the department shall not be valid.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as the "Anti-Taxation Without Representation Act."

Section 2. Section 41-22-5 of the Code of Alabama 1975, is amended to read as follows:

"§41-22-5.

"(a) Prior to the adoption, amendment, or repeal of any rule, the agency shall:

"(1) Give at least 35 days' notice of its intended action. Date of publication in the Alabama Administrative Monthly shall constitute the date of notice. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, shall specify a notice period ending not less than 35 days or more than 90 days from the date of the notice, during which period interested persons may present their views thereon, and shall specify the place where, and the manner in which interested persons may present their views thereon. The notice shall be given to the chairman of the legislative committee, as provided in Section 41-22-23, and mailed to all persons who pay the cost of such mailing and who have made timely request of the agency for advance notice of its rulemaking proceedings and shall be published, prior to any action thereon, in the Alabama Administrative Monthly. A complete copy of the proposed rule shall be filed with the secretary of the agency and the Legislative Reference Service.

"(2) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if conflicting views are submitted on the proposed rule, shall issue a

concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any considerations urged against its adoption.

"(b) Notwithstanding any other provision of this chapter to the contrary, if an agency finds that an immediate danger to the public health, safety, or welfare requires adoption of a rule upon fewer than 35 days' notice or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule shall become effective immediately, unless otherwise stated therein, upon the filing of the rule and a copy of the written statement of the reasons therefor with the Legislative Reference Service and the secretary of the agency. The rule may be effective for a period of not longer than 120 days and shall not be renewable. An agency shall not adopt the same or a substantially similar emergency rule within one calendar year from its first adoption unless the agency clearly establishes it could not reasonably be foreseen during the initial 120-day period that such emergency would continue or would likely reoccur during the next nine months. The adoption of the same or a substantially similar rule by normal rule making procedures is not precluded. In any subsequent action contesting the effective date of a rule adopted pursuant to this subsection, the burden of proof shall be on the agency to justify its finding. Prior to indexing and publication, the agency shall make reasonable efforts to apprise the persons who may be affected by its rules of the adoption of the emergency rule.

"(c) It is the intent of this section to establish basic minimum procedural requirements for the adoption, amendment, or repeal of administrative rules. Except for emergency rules which are provided for in subsection (b) of this section, the provisions of this section are applicable to the exercise of any rulemaking authority conferred by any statute, but nothing in this section repeals or diminishes additional requirements imposed by law or diminishes or repeals any summary power granted by law to the state or any agency thereof.

"(d) Any law to the contrary notwithstanding, a rule or emergency rule, including the amendment or repeal of an existing rule, issued by the Department of Revenue shall not, be valid if: (i) the related fiscal note submitted to the Joint Committee on Administrative Regulation Review pursuant to subsection (f) of Section 41-22-23, projects any increase in taxes, fees, or other revenues administered by the department as a result of the rule change, or (ii) notwithstanding the related fiscal note, the rule change has the effect of any increase in taxes, fees, or other revenues administered by the department as a result of the rule change.

"~~(d)~~ (e) No rule adopted after October 1, 1982, is valid unless adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of this section must be commenced within two years from the effective date of the rule; provided, however, that a proceeding to contest a rule based on failure to provide notice as herein required may be commenced at any time."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 96; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-96

Nay:

Representatives Dolbare and Hayden.

- 2

And the bill:

H. 675. To amend Section 41-22-5 of the Code of Alabama 1975, relating to the procedure for the adoption of rules pursuant to the Alabama Administrative Procedure Act, to provide that a rule or the repeal of a rule issued by the Department of Revenue which increases any taxes, fees, or other revenues administered by the department shall not be valid.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 99; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean,

Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-99

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 806, was adopted.

Yeas 101; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-101

And the bill:

H. 806. To amend Sections 40-2A-5, 40-2A-7, 40-2A-9, 40-2A-10, and 40-2A-11, Code of Alabama 1975; to provide further for the administrative procedures and operations of the Department of Revenue.

was taken up.

SUBSTITUTE OFFERED

Representative Box offered the following substitute to the bill, H. 806:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-2A-5, 40-2A-7, 40-2A-9, 40-2A-10, and 40-2A-11, Code of Alabama 1975; to provide further for the administrative procedures and operations of the Department of Revenue.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be entitled the "Taxpayer Protection and Technical Corrections Act of 1995."

Section 2. Sections 40-2A-5, 40-2A-7, 40-2A-9, 40-2A-10, and 40-2A-11, Code of Alabama 1975, are amended to read as follows:

"§40-2A-5.

"(a) The commissioner ~~shall have authority and discretion~~ may, in addition to all other powers and authority now granted by law, ~~to~~ issue "revenue rulings" describing the substantive application of any law or regulation administered by the department. Revenue rulings may also govern procedures applicable to the department; and in such event, shall be called "revenue procedures." ~~Such~~ Revenue rulings shall be binding on the department and the state, its political subdivisions, and taxing authorities only with respect to the taxpayer making ~~such the~~ the request and only with respect to the facts contained in ~~such the~~ the request. A revenue ruling shall constitute the department's interpretation of the law or regulations as applied to the facts contained in the request, but only pertaining to ~~such the~~ the particular facts as described in the request, and only to ~~such the~~ the taxpayer making the request.

"(b) Revenue rulings may be issued only if no taxes have accrued with respect to the transactions, events, or facts contained in ~~such the~~ the request at the time of the issuance of such ruling.

"(c) Revenue rulings may be revoked or modified by the commissioner at any time; but any ~~such~~ revocation or modification shall not be effective retroactively unless any of the following occur:

"(1) The person making ~~such the~~ the request misstated or omitted facts material to the ruling; ~~or,~~

"(2) The ruling was issued with respect to a matter involving the computation or payment of a tax that was due and payable at the time the ruling was requested; ~~or,~~

"(3) The law applied by the commissioner in the revenue ruling is changed in a manner ~~so as~~ to alter the commissioner's conclusions in the ruling and ~~such~~ the change in the law is made effective as of the date of said the ruling.

"(4) The taxpayer ~~shall be entitled to~~ may petition for a hearing with the administrative law division to determine the propriety₁ under subsections (a), (b), or (c) of this section₁ of any retroactive revocation of a ruling. The department shall bear the burden of proof in establishing the grounds for retroactive revocation or modification of a ruling.

"(d) All revenue rulings issued by the department shall be published, maintained as a public record, and made available by the department for public inspection and copying, within a reasonable time following their issuance, at a reasonable cost to be determined by the department. Prior to making any ~~such~~ publication, the department shall delete from the text of ~~such~~ the ruling all names, addresses, titles, figures, dates, and other information which may identify the particular taxpayer who requested the ruling. If a revenue ruling contains trade secrets or other confidential information, the department shall, upon written request of the taxpayer, delete ~~such~~ that information prior to publication.

"(e) Requests for revenue rulings shall be submitted in writing to the secretary in ~~such~~ the form and manner as prescribed by department regulations, accompanied by a fee of ~~\$200~~ two hundred dollars (\$200). The commissioner shall either issue or refuse to issue a ruling within 120-days after receipt of the request unless the taxpayer consents to an extension of ~~such~~ time. If the commissioner refuses to issue ~~such~~ a ruling within the time prescribed, the ~~\$200~~ two hundred dollar (\$200) fee shall be refunded to the taxpayer. A request may be withdrawn at any time prior to the issuance of the requested ruling, in which case no refund of the ~~\$200~~ two hundred dollar (\$200) fee shall be made.

"(f) Revenue rulings shall be issued in the name of the commissioner.

"(g) Written advisements or other written interpretations by department personnel issued before October 1, 1992, which involve the administration or enforcement of Title 40 shall be binding on the department and the state, its political subdivisions and taxing authorities as to the taxpayer who is the subject of or to whom such written advisements or other written interpretations are addressed, and such written advisements or other written interpretations may not be retroactively revoked or rescinded to any extent by the department for any taxable year during which the taxpayer relied on such written advisements or other written interpretations. The department may revoke or modify such written advisements or other written interpretations at any time. No revocation or modification shall be effective retroactively except upon a showing by the department of grounds set forth in subsection (c) of this section as if such written advisement or other written interpretation constituted a revenue ruling.

"§40-2A-7.

"(a) Maintenance of records; audit and subpoena authority; authority to issue regulations.

"(1) In addition to all other recordkeeping requirements otherwise set out in Title 40, ~~all~~ taxpayers shall keep and maintain an accurate and complete set of records, books, and other information sufficient to allow the department to determine the correct amount of value or correct amount of any tax, license, permit, or fee administered by the department, or ~~such~~ other records or information as may be necessary for the proper administration of any matters under the jurisdiction of the department. ~~Such~~ The books, records, and other information shall be open and available for inspection by the department upon request at a reasonable time and location.

"(2) The department ~~is authorized to~~ may examine and audit ~~such the~~ records, books, or other relevant information maintained by any taxpayer or other person for the purpose of computing and determining the correct amount of value or correct amount of any tax, license, or fee administered by the department, or for any other purpose necessary for the proper administration of any matter under the jurisdiction of the department.

"(3) A taxpayer, or any officer of a corporation or association, or partner of a partnership, or fiduciary of a trust, or responsible individual of any entity under a duty to maintain ~~such~~ books and records pursuant to this subsection who fails or refuses to maintain such records and books, or permit inspection, shall be subject to contempt proceedings in the circuit court of the judicial circuit in which ~~such the~~ person resides or has a principal place of business, and upon proof of ~~such the~~ fact to the court, may be punished for contempt as provided in cases of contempt in circuit court.

"(4) The department ~~is authorized to~~ may summon any witness to appear and give testimony, and ~~to~~ summon by subpoena duces tecum any records, books, or other information of any kind relating to any matter which the department has authority to administer. The witness may be summoned by subpoena issued by the secretary of the department, any circuit judge, any magistrate, or any district judge, in the name of the department, directed to any sheriff of Alabama and returnable to the department, ~~which~~ The subpoena may be served in like manner as subpoenas issued out of any circuit court, or the subpoena may be served by an authorized employee of the department or by certified mail, return receipt requested. A fee shall be paid to banking institutions, other similar entities, or any other person except the taxpayer, for copying, searching for, reproducing, and transporting any records, books, papers, or other documents requested or subpoenaed by the department and to persons who are required to appear as a witness equal to the fee authorized to be paid by the Internal Revenue Service for similar services or appearances pursuant to Section 7610 of the Internal Revenue Code of 1986, as amended, ~~and as such fee is in effect from time to time~~. If any witness has been ~~duly~~ subpoenaed to appear and testify or appear and produce

records, books, or other information, and fails or refuses to appear or testify or to produce ~~such~~ the books, records, or other information, ~~such that~~ that witness shall be subject to contempt proceedings in the circuit court of the judicial circuit in which ~~such~~ the witness resides, and upon proof of ~~such~~ the fact to a circuit court may be punished for contempt as is provided in cases of contempt in circuit court.

"(5) The department ~~is authorized and empowered to~~ may issue ~~such~~ forms and ~~to make such~~ reasonable regulations concerning any matter administered by the department. Regulations promulgated by the department shall be issued in accordance with the procedures set forth in the Alabama Administrative Procedure Act, Chapter 22 of Title 41.

"(b) Procedures governing entry of preliminary and final assessments; appeals therefrom.

"(1) ENTRY OF PRELIMINARY ASSESSMENT; FINAL ASSESSMENT OF UNCONTESTED TAX; EXECUTION OF PRELIMINARY AND FINAL ASSESSMENTS. --

"a. If the department determines that the amount of any tax as reported on a return is incorrect, or if no return is filed, or if the department is required to determine value, the department ~~is authorized to~~ may calculate the correct tax or value based on the most accurate and complete information reasonably obtainable by the department. The department may thereafter enter a preliminary assessment for the correct tax or value, including any applicable penalty and interest.

"b. Where the amount of tax or value reported on a return is undisputed by the department; or the taxpayer consents to the amount of any deficiency, determination of value, or preliminary assessment in writing as provided by regulation, the department may immediately enter a final assessment for the amount of ~~said~~ the tax or value, plus applicable penalty and interest; provided, the department may at any time enter a final jeopardy assessment pursuant to the ~~provisions of~~ Sections 40-17A-12, 40-29-90, and 40-29-91.

"c. All preliminary and final assessments issued by the department shall be executed as provided by regulations promulgated by the department.

"(2) TIME LIMITATION FOR ENTERING PRELIMINARY ASSESSMENT. -- Any preliminary assessment ~~must~~ shall be entered within three years from the due date of the return, or three years from the date the return is filed with the department, whichever is later, or if no return is required to be filed, within three years of the due date of the tax, except as follows:

"a. A preliminary assessment may be entered at any time if no return is filed as required, or if a false or fraudulent return is filed with the intent to evade tax;.

"b. A preliminary assessment may be entered within six years from the due date of the return or six years from the date the return is filed with the department, whichever is later, if ~~such the return taxpayer~~ omits from the taxable base an amount properly includable therein which is in excess of more than 25 percent of the correct amount of the taxable base stated in tax required to be shown on said the return.

"For purposes of this paragraph:

"(i) The term "taxable base" means the gross income, gross proceeds from sales, gross receipts, capital employed, or other amounts on which the tax paid with the return is computed; and

"(ii) In determining the amount omitted from the taxable base, there shall not be taken into account any amount which is omitted from the taxable base stated in the return if the amount is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise the department of the nature and amount of the item.

"c. A preliminary assessment entered pursuant to Sections 40-29-72 and 40-29-73, may be entered within five years from the due date of the return on which the underlying tax is required to be reported or within five years of the date said the return is filed, whichever is later.

"d. 1. In the case of income received during the lifetime of a decedent, or by his or her estate during the period of administration, the preliminary assessment of any income tax shall be entered within 18 months after written request therefor, filed after the return is made, by the executor, administrator, or other fiduciary representing the estate of ~~such the~~ decedent, but not after the expiration of three years from the due date of the return or three years from the date the return is filed with the department, whichever is later.

"2. In the case of income received by a corporation contemplating dissolution, a preliminary assessment of any income tax shall be entered within 18 months after written request, by the corporation, filed after the return is made, but not after the expiration of three years from the due date of the return or three years from the date the return is filed with the department, whichever is later. This subparagraph shall not apply to any corporation unless dissolution is completed within 18 months of the date of ~~such the~~ written notice.

"e. If a taxpayer has made the election provided in subsection (d) or (e) of Section 40-18-8, ~~then~~ a preliminary assessment based on the gain realized as a result of the involuntary conversion [~~in the case of subsection (d) of Section 40-18-8~~] or a rollover of gain on the sale of a personal residence [as provided in subsection (e) of Section 40-18-8] may be entered within three years from the date the taxpayer notified the department of the replacement of the property in accordance with subsection (d) or (e) of Section 40-18-8, as the case may be, or of his or her intention not to ~~se~~ replace the property.

"f. If a taxpayer has validly elected to have the provisions of subdivision (a)(7) of Section 40-18-6 and subsection (l) of Section 40-18-8, apply to an acquisition of stock before January 1, 1985, any liability of the taxpayer under this title, solely from amendment of its returns to be consistent with ~~such that~~ election may be assessed at any time within five years from the date on which the taxpayer filed ~~such the~~ amended returns with the department.

"g. 1. When the Internal Revenue Service changes the amount of federal income tax or federal estate tax in any manner and ~~such the~~ change results in an increase in additional income tax or estate tax owed under this title, the department may, at any time within one year after the department is notified or otherwise learns that ~~such the~~ change has become final, enter a preliminary assessment for additional tax due; ~~provided, however, that in any case, the~~ The department shall be allowed to assess ~~such the~~ tax within the time period otherwise allowed by this section. Any tax assessed within the additional one year period allowed ~~herein~~ shall be limited to those items changed on the federal income tax return or federal estate tax return that affect the income tax liability or the estate tax liability imposed by this title.

"2. When a federal income tax return or federal estate tax return is changed in any manner after it has been filed with the Internal Revenue Service, other than by an amended return, and ~~such the~~ change results in an overpayment of taxes imposed by this title, a petition for refund of ~~said the~~ overpayment may be filed within the later of one year after the federal changes become final, or within the time allowed for the filing of a petition for refund as provided in this chapter. ~~Such The~~ refund shall be limited to those items changed on the federal income tax return or federal estate tax return that affect the income tax liability or estate tax liability imposed by this title.

"3. For purposes of this subdivision, the date that a federal change becomes final is the date on which the taxpayer and the Internal Revenue Service formally agree to ~~such the~~ changes, or the date of any administrative or judicial order, judgment, or decree from which no further appeal was or may be taken.

"h. The running of the period of limitations provided herein for entering a preliminary assessment shall be suspended for the period that:

"1. The taxpayer or the assets of the taxpayer are involved in a case under Title 11 of the United States Code, {Bankruptcy}, and for a period of six months thereafter; or

"2. The assets of the taxpayer are in the control or custody of a court in any proceeding, and for a period of six months thereafter.

"i. The department and the taxpayer may, prior to the expiration of the period for entering a preliminary assessment or the filing of a petition for refund, agree in writing to extend the time provided for ~~such entering the assessment or filing the petition~~ in this chapter. ~~Such The~~ tax may be assessed, or ~~such the~~

petition for refund may be filed, at any time prior to the expiration of the period agreed upon. The period ~~so~~ agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

"j. Additional tax may be assessed by the department within any applicable period allowed above, ~~notwithstanding that~~ even though a preliminary or final assessment has been previously entered by the department against the same taxpayer for the same or a portion of the same tax period. ~~Provided, no~~ No taxpayer, however, shall be subject to unnecessary examination or investigation, and only one inspection of a taxpayer's books and records relating to each type of tax administered by the department shall be made for each taxable year, unless the taxpayer requests otherwise or unless the commissioner after investigation, notifies the taxpayer in writing that an additional inspection is necessary. The commissioner shall promulgate regulations consistent with those followed by the Internal Revenue Service with respect to second inspection of a taxpayer's books and records.

"(3) SERVICE OF PRELIMINARY ASSESSMENT UPON TAXPAYER. -- The preliminary assessment entered by the department, or a copy thereof, shall be promptly mailed by the department to the taxpayer's last known address by either first class U.S. mail or certified mail with return receipt requested, ~~provided that~~ but at the option of the department, the preliminary assessment may be delivered to the taxpayer by personal delivery.

"(4) PROCEDURE FOR REVIEW OF DISPUTED PRELIMINARY ASSESSMENTS; ENTRY AND NOTICE OF FINAL ASSESSMENT.

"a. If a taxpayer disagrees with a preliminary assessment as entered by the department, the taxpayer may file a written petition for review with the department within 30 days from the date of entry of the preliminary assessment setting out the specific objections to the preliminary assessment. If a petition for review is timely filed, or if the department otherwise deems it necessary, the department shall schedule a conference with the taxpayer for the purpose of allowing the taxpayer and the department to present their respective positions, discuss any omissions or errors, and to attempt to agree upon any changes or modifications to their respective positions.

"b. If a written petition for review:

"1. Is not timely filed, or

"2. Is properly filed, and upon further review the department determines the preliminary assessment is due to be upheld in whole or in part, the department may make the assessment final in the amount of tax due as computed by the department, with applicable interest and penalty computed to the date of entry of the final assessment.

"c. The final assessment entered by the department, or a copy thereof, shall be mailed by the department to the taxpayer's last known address (i) by either first class U.S. mail or certified mail with return receipt requested in the case of assessments of tax of ~~\$500 five hundred dollars (\$500)~~ or less or (ii) by certified mail with return receipt requested in the case of assessments of tax of more than ~~\$500 five hundred dollars (\$500)~~, ~~provided that, in~~ . In either case and at the option of the department, the final assessment, ~~or a copy thereof~~, may be delivered to the taxpayer by personal delivery.

"(5) PROCEDURE FOR APPEAL FROM FINAL ASSESSMENT.

"a. A taxpayer may appeal from any final assessment entered by the department by filing a notice of appeal with the administrative law division within 30 days from the date of entry of the final assessment, and ~~such the~~ appeal, if timely filed, shall proceed as herein provided for appeals to the administrative law division.

"b. In lieu of the appeal under paragraph a. of this subdivision ~~(5)~~, at the option of the taxpayer, the taxpayer may appeal from any final assessment to the circuit court of Montgomery County, Alabama, or to the circuit court of the county in which the taxpayer resides or has a principal place of business in Alabama, as appropriate, by filing notice of appeal within 30 days from the date of entry of the final assessment with both the secretary of the department and the clerk of the circuit court in which ~~such the~~ appeal is filed. If the appeal is to circuit court, the taxpayer ~~must~~ shall, also within the 30-day period allowed for appeal, either (i) pay the ~~assessment plus tax~~, interest, and any penalty shown on the final assessment, or (ii) file a supersedeas bond with the court in double the amount of ~~the tax, interest, and any penalty shown on the final assessment~~. The supersedeas bond shall be executed by a surety company licensed and authorized to do business in Alabama and shall be conditioned to pay the assessment plus applicable interest and any court costs relating to the appeal. If a taxpayer ~~can~~ is able to show to the satisfaction of the clerk of the circuit court to which the appeal is taken that he or she has a net worth, ~~(on the basis of fair market value)~~, of ~~\$20,000 twenty thousand dollars (\$20,000)~~ or less, including his or her homestead, ~~then the taxpayer may take such~~ make the appeal without either paying the tax in full or posting a supersedeas bond in double the amount of the assessment. A taxpayer may appeal a final assessment to either the administrative law division or to circuit court as provided herein, even though the taxpayer has paid the tax in issue prior to taking the appeal.

"c. The filing of the notice of appeal with the administrative law division or, in the case of appeals to the circuit court, the filing of the notice of appeal with both the secretary of the department and the clerk of the circuit court in which ~~such the~~ appeal is filed and also the payment of the assessment in full and applicable interest or the filing of a bond as provided herein, are jurisdictional. If such prerequisites are not satisfied within the time provided for appeal, the appeal shall be dismissed for lack of jurisdiction. On appeal to the circuit court or to the administrative law division, the final assessment shall be prima facie correct, and the burden of proof shall be on the taxpayer to prove ~~such the~~ assessment is incorrect.

"d. 1. The administrative law division, circuit court, or the appellate court on appeal may increase or decrease the assessment to reflect the correct amount due.

"2. If a final assessment is reduced on appeal, any overpayment of tax paid by the taxpayer shall immediately be refunded to the taxpayer by the state, county, municipality, or other entity to which the overpayment was distributed.

"3. No court shall have the power to enjoin the collection of any taxes due on ~~such an~~ an assessment so appealed or to suspend the payment thereof.

"(c) Procedure governing petitions for refund; appeals therefrom.

"(1) PETITION FOR REFUND ALLOWED, GENERALLY. -- Any taxpayer may file a petition for refund with the department for any overpayment of tax or other amount erroneously paid to the department or concerning any refund which the department is required to administer. ~~However, if~~ If a final assessment for the tax has been entered by the department, a petition for refund of all or a portion of the tax may be filed only if the final assessment plus applicable interest has been paid in full prior to or with the filing of ~~such the~~ the petition for refund. The department may also issue automatic refunds pursuant to Section 40-29-71. In the case of a petition for refund of sales or use taxes pursuant to {Chapter 23 of Title 40 this title}, public utilities taxes pursuant to {Chapter 21 of this title}, and any transient occupancy tax pursuant to {Chapter 26 of this title}, ~~such the~~ the petition ~~must~~ shall be filed jointly by the taxpayer who collected and paid over the tax to the department and the consumer/purchaser who paid the tax to the taxpayer. ~~However, a~~ A direct petition may be filed by the taxpayer if the taxpayer never collected the tax from the consumer/purchaser, or if the tax has been credited or repaid to the consumer/purchaser by the taxpayer.

"(2) TIME LIMITATION FOR FILING PETITION FOR REFUND; AUTOMATIC REFUND.

"a. Generally. -- A petition for refund ~~must~~ shall be filed with the department or an automatic refund issued pursuant to Section 40-29-71, or a credit allowed, within (i) three years from the date ~~that~~ the return was filed, or (ii) two years from the date of payment of the tax, whichever is later, ~~or, if no return was timely filed,~~ two years from the date of payment of the tax. For purposes of this paragraph, taxes paid through withholding or by estimated payment shall be deemed paid on the original due date of the return.

"b. Net Operating Loss Carryback. -- In lieu of the periods provided in paragraph a. ~~above~~, in the case of a net operating loss carryback, the period for filing a petition for refund, the department making an automatic refund or allowing a credit shall be the period prescribed in 26 U.S.C. Section 6511(d)(2) for the claiming of a credit or refund.

"(3) DEPARTMENT REQUIRED TO GRANT OR DENY REFUNDS; TIME LIMITATIONS. -- The department ~~must~~ shall either grant or deny a petition for refund within six months from the date the petition is filed, unless ~~said~~ the period is extended by written agreement of the taxpayer and the department. The taxpayer shall be notified of the department's decision concerning the petition for refund by first class United States mail or by certified mail, return receipt requested, sent to the taxpayer's last known address. If the department fails to grant a refund within the time provided herein, ~~then said~~ the petition for refund shall be deemed to be denied.

"(4) PROCEDURES IF REFUNDS GRANTED; CREDIT OF REFUND; PAYMENT OF OTHER TAXES; PAYMENT OF INTEREST. -- If a petition is granted, or the department, the administrative law division, or a court otherwise determines that a refund is due, the overpayment shall be refunded to the taxpayer by the state, county, municipality, or other entity to which the overpayment was distributed. ~~However, if~~ If the department determines that a refund is due, the amount of overpayment plus accrued interest may first be credited by the department against any outstanding final tax liabilities due and owing by the taxpayer to the department, and the balance of ~~such~~ any overpayment, ~~if any,~~ shall, subject to the setoff provisions of Article 3 of Chapter 18 of Title 40, be refunded to the taxpayer. If any refund or part thereof is credited to any other tax by the department, the department shall provide a written detailed statement to the taxpayer showing the amount of overpayment, the amount credited for payment to other taxes, and the amount refunded.

"(5) PROCEDURES IF REFUND DENIED; APPEAL.

"a. A taxpayer may appeal from the denial in whole or in part of a petition for refund by filing a notice of appeal with the administrative law division within two years from the date the petition is denied, and ~~such~~ the appeal, if timely filed, shall proceed as hereinafter provided for appeals to the administrative law division.

"b. In lieu of appealing to the administrative law division, the taxpayer may appeal from the denial of a petition for refund by filing a notice of appeal with the circuit court in Montgomery County, Alabama, or the circuit court of the county in which the taxpayer resides or has a principal place of business in Alabama, as appropriate, by filing ~~such~~ the notice of appeal within two years from the date the petition is denied. The circuit court shall hear ~~such~~ the appeal according to its own rules and procedures and shall determine the correct amount of refund due, if any.

"c. If ~~such~~ an appeal is not filed with the administrative law division or the circuit court within two years of the date the petition is denied, then ~~such~~ the appeal shall be dismissed for lack of jurisdiction.

"§40-2A-9.

"(a) Purpose. -- The purpose of this section is to establish uniform procedures concerning appeals to the administrative law division and to establish

the authority and responsibilities of the administrative law judge concerning ~~such~~ those appeals. ~~The provisions of this~~ This section should be liberally construed to provide for the fair, efficient, and complete resolution of all matters in dispute.

"(b) Authority of administrative law judge. -- The administrative law judge shall be responsible for administration of the administrative law division and ~~shall have authority to~~ may schedule and conduct hearings and decide all appeals properly filed with the administrative law division. The administrative law judge ~~shall have discretion to~~ may dismiss any appeal for failure or refusal to comply with any department regulation or statute concerning appeals to the administrative law division, or for the failure or refusal to comply with any preliminary order issued by the administrative law judge. If an appeal is dismissed by the administrative law judge for any reason, then for good cause, the administrative law judge may reinstate the appeal. However, no appeal may be reinstated unless a motion to reinstate such appeal is filed with the administrative law division within 30 days of the date of entry of the order dismissing the appeal, or the appeal is reinstated by the administrative law judge within such period. An order dismissing an appeal may be appealed to circuit court in the same manner and subject to the same requirements as appeals from final orders of the administrative law judge. The order shall be upheld by the circuit court unless the court finds an abuse of discretion by the administrative law judge or that the order is otherwise unreasonable.

"(c) Pre-hearing procedures. -- The notice of appeal filed with the administrative law division shall, by specific reference, identify the assessment, refund, or other act or refusal to act which is the subject of the appeal, the position of the appealing party or (taxpayer), the basis on which relief should be granted, and the relief sought on the appeal. The administrative law division shall notify the legal division of the department that an appeal has been filed, and the legal division shall be required to file a written answer with the administrative law division within 30 days from receipt of such notice. The answer shall state the facts and issues in dispute and the department's position relating thereto, ~~however, the~~ . The administrative law judge ~~shall have discretion to~~ may require additional information from either the taxpayer or the department or ~~to~~ allow the legal division additional time, not to exceed ~~sixty~~ 60 days, within which to file an answer.

"(d) Hearings. -- An appeal may be held in abeyance by agreement of the parties or at the discretion of the administrative law judge, or an appeal may be submitted for decision on a joint stipulation of facts without a hearing, or as otherwise agreed by the parties. Otherwise, a hearing shall be conducted by the administrative law judge. Notice of the hearing shall be mailed to the taxpayer or the taxpayer's representative by certified mail, return receipt requested, directed to the taxpayer's last known address. The administrative law judge shall conduct the hearing substantially as follows:

"1. Open the record and receive appearances;

"2. Receive testimony and exhibits presented by the parties. All testimony shall be made under oath and any person testifying under oath shall be subject to the perjury provisions of Section 13A-10-102.

"3. Further interrogate witnesses if deemed necessary;_

"4. Require oral arguments and the submission of briefs and other authorities if deemed necessary;_and_

"5. Continue or reopen the hearing for the taking of additional evidence as deemed necessary for a fair, efficient, and complete resolution of the matter or matters in dispute.

"(e) Final order. -- A final order shall be entered by the administrative law judge which shall contain findings of fact and conclusions of law. The final order shall provide such relief as may be appropriate under the circumstances. Any final order, unless altered or amended on appeal, shall have the same force and effect as a final order issued by a circuit judge sitting in Alabama.

"(f) Application for rehearing. -- Either the taxpayer or the department may file an application for rehearing within ~~fifteen~~ 15 days from the date of entry of a final order by the administrative law judge. The application for rehearing shall set forth the specific reasons and supporting arguments why the final order is incorrect and should be reheard. The timely filing of an application for rehearing shall suspend the time period for filing an appeal to circuit court and the time for filing a notice of appeal shall be computed from the date of entry of the order of the administrative law judge either granting or denying the application for rehearing.

"(g) Appeals to circuit court. --

"(1) Either the taxpayer or the department may appeal to circuit court from a final order issued by the administrative law judge by filing a notice of appeal with the administrative law division and with the circuit court within 30 days from the date of entry of the final order. Any appeal by the department shall be filed with the circuit court of the county in which the taxpayer resides or has a principal place of business in Alabama. If the taxpayer neither resides in Alabama nor has a principal place of business in Alabama, the appeal may be made to the circuit court of Montgomery County, Alabama. Any appeal by the taxpayer may be taken to the circuit court of Montgomery County, Alabama, or to the circuit court of the county in which the taxpayer resides or has a principal place of business in Alabama. If the appeal to circuit court is by a taxpayer from a final order involving a final assessment, the taxpayer, at the time of filing the appeal, shall be required to pay that part of the final assessment upheld by the amount stated in the final order of the administrative law judge, plus applicable interest, or the taxpayer may execute a supersedeas bond, which shall be executed by a surety company licensed to do business in Alabama, in double the amount of ~~that part of the final assessment upheld by~~ stated as due in the final order of the administrative law judge, including tax, interest, and any applicable penalty, payable to the state and

conditioned to pay the amount stated in the final assessment order plus applicable interest due the state and any court cost relating to the appeal. If a taxpayer can show to the satisfaction of the clerk of the circuit court to which the appeal is taken that he or she has a net worth (based on fair market value) of \$20,000 twenty thousand dollars (\$20,000) or less, including his or her homestead, then ~~said the taxpayer may take such~~ make an appeal without either paying the tax in full or posting a supersedeas bond in double the amount of the assessment. The circuit court shall dismiss any appeal that is not timely filed with the administrative law division and the circuit court as herein provided, or, concerning appeals from final assessments, if the amount of the assessment upheld by the final order of the administrative law judge is not timely paid in full or a supersedeas bond is not timely filed as herein required.

"(2) The appeal to circuit court from an order issued by the administrative law judge shall be a trial de novo, provided the order of the administrative law judge shall be presumed prima facie correct and the burden shall be upon the appealing party to show otherwise. The court shall hear the case in accordance with its own rules and shall decide all questions of fact and law; ~~provided, however, that the~~ . The administrative record and transcript shall be transmitted to the reviewing court as provided herein, and shall be admitted into evidence in the trial de novo, subject to the rights of either party to assign errors, objections, or motions to exclude calling attention to any testimony or any evidence in the administrative record or transcript which is deemed objectionable or inadmissible. Notwithstanding the ~~above foregoing~~, with the consent of all parties, judicial review may be on the administrative record and transcript. The court, upon request, shall hear oral argument and receive written briefs.

"(h) Pre-hearing conferences, preliminary orders, subpoenas. -- The administrative law judge shall have authority to hold pre-hearing conferences and issue preliminary orders.

"(i) Record of hearing, record on appeal. -- All hearings shall be recorded by a qualified court reporter, and the proceedings shall be transcribed at the request of either the department, the taxpayer or the administrative law division, with the expense of transcription charged to the requesting party. The record of the proceedings or transcript thereof shall be maintained by the administrative law division for at least five years; ~~provided however, upon~~ . Upon appeal to circuit court by either party, the administrative law division shall cause the hearing to be transcribed and shall forward the original transcript or a certified copy of the transcript along with the administrative record to circuit court for use in the appeal.

"(j) Rules of evidence at administrative hearing. -- The rules of evidence applicable in civil non-jury cases in the circuit courts of Alabama shall be followed. ~~However, when~~ When necessary to ascertain facts not reasonably susceptible to proof under those rules of evidence, evidence not admissible thereunder may be admitted, in the discretion of the administrative law judge, if relevant or of the type commonly relied upon by prudent persons. The administrative law judge may announce prior to or during a hearing that it shall not be necessary for either party

to make objections during the hearing to any testimony or evidence offered by either party, and such objections shall be preserved and may be made on appeal; ~~provided, however, the~~ . The final order issued by the administrative law judge shall be based only on such evidence as is relevant, competent, and material. Documentary evidence may be received in copy form if an opportunity to review the original is available and there is no objection thereto. Official notice may be taken of any technical facts within the specialized knowledge of the administrative law judge, and the experience, technical competency, and specialized knowledge of the administrative law judge shall be utilized in evaluating the evidence and issuing decisions based thereon, and shall be given appropriate weight in considering the order of the administrative law judge on appeal.

"(k) Authorized representatives; appearance of hearing. -- A taxpayer may be represented before the administrative law division by an authorized representative. If a taxpayer or his or her authorized representative fails to appear at a hearing after proper service of notice, the administrative law judge may, in his or her discretion, dismiss the appeal with prejudice, adjourn the proceeding and reset the matter for a subsequent hearing, or proceed with the hearing.

"(l) Intervention. -- Any person may, upon application, be permitted to intervene in any case before the administrative law division if the person's individual rights are or may be affected by the outcome of the proceeding and the person's interest is otherwise not adequately represented in the case.

"(m) Public records. -- All testimony, exhibits, documents, and other materials introduced into evidence at a hearing before the administrative law division, and all final and other orders issued by the administrative law judge shall be deemed public information except (i) in those cases where information received from the Internal Revenue Service is restricted by law or agreement from disclosure, and (ii) as otherwise ordered by the administrative law judge.

"§40-2A-10.

"(a) ~~It shall be~~ Except as provided below, it is unlawful for any person to print, publish, or divulge, without the written permission or approval of the taxpayer, the return of any taxpayer or any part thereof or any information secured in arriving at the amount of tax or value reported for any purpose other than the proper administration of any matter administered by the department, or upon order of any court, or as otherwise allowed in this section. However, statistical Statistical information pertaining to taxes may be disclosed at the discretion of the commissioner or his or her delegate or to the legislative or executive branch of the state. The commissioner or his or her delegate may make written or verbal disclosure upon request as to the status of compliance with those requirements contained in Chapter 14 of Title 40 of Code of Alabama 1975 for all domestic and foreign corporations doing business in the State of Alabama. A good standing certificate shall be issued to a requesting person with respect to a corporation if the corporation has filed all Alabama franchise tax returns due and paid the taxes shown as payable in accordance with those returns. Any person violating the provisions of this section shall, for each act of disclosure, have committed a Class A misdemeanor.

"(b) ~~The provisions of this~~ This section shall not apply to returns filed and information secured under laws of this state (i) governing the registration and titling of motor vehicles, (ii) levying or imposing excise taxes or inspection fees upon the sale of, use, and other disposition of gasoline and other petroleum products, ~~or~~ (iii) governing the licensing of motor vehicle dealers, reconditioners, rebuilders, wholesalers, and automotive dismantlers and parts recyclers, or (iv) governing the privilege licenses as provided in Chapter 12, other than Article 4, of this title.

"(c) ~~The~~ Except as otherwise provided in Section 40-2A-9(m), the orders of the administrative law judge and all evidence, pleadings, and any other information submitted in any hearing appeal before the administrative law division shall not be subject to the provisions of this section.

"(d) The commissioner shall promulgate reasonable regulations permitting and governing the exchange of tax returns, information, records, and other documents secured by the department, with tax officers of other agencies of the State of Alabama, municipal, and county government agencies in Alabama, federal government agencies, any association of state government tax agencies, any state government tax agencies of other states, and any foreign government tax agencies, ~~provided however, .~~ However, (i) ~~that any such~~ tax returns, information, records, or other documents remain subject to the confidentiality provisions set forth in subsection (a); and (ii) ~~that such~~ any exchange must shall be for one or more of the following purposes:

"(1) Collecting taxes due;

"(2) Ascertaining the amount of taxes due from any person; ~~and.~~

"(3) Determining whether a person is liable for, or whether there is probable cause for believing ~~such a~~ person might be liable for, the payment of any tax to ~~such a~~ federal, state, county, municipal, or foreign government agency.

"(e) Nothing herein shall prohibit the use of tax returns or tax information by the department or county ~~assessing tax~~ officials in the enforcement, collection, and assessment of any tax levied or imposed by this title, or any other matters administered by the department. The department, a municipality, or county tax official may also divulge to a purchaser or successor of a business or stock of goods the outstanding sales, use, or rental tax liability of the seller for which the purchaser or successor may be liable pursuant to Section 40-23-25, 40-23-82, or 40-12-224. Furthermore, nothing in this This section shall not preclude the inspection of returns by federal or foreign state agents ~~as provided under~~ pursuant to Section 40-18-53.

"§40-2A-11.

"(a) Failure to timely file return. -- If a taxpayer fails to file any return required to be filed with the department on or before the date prescribed therefor,

{determined with regard to any extension of time for filing}, there shall be assessed as a penalty the greater of 10 percent of any additional tax required to be paid with ~~such~~ the return or ~~\$50~~ fifty dollars (\$50).

"(b) Failure to timely pay tax. -- If a taxpayer fails to pay to the department the ~~correct~~ amount of tax shown as due on a return required to be filed on or before the date prescribed for payment of ~~such~~ the tax, {determined with regard to any extension of time for payment}, there shall be added as a penalty one percent of the amount of ~~such~~ the tax due if the failure to pay is for not more than one month, with an additional one percent for each additional month or fraction thereof during which ~~such~~ failure to pay continues, not exceeding 25 percent in the aggregate. ~~However, in~~ In lieu of the penalty provided in the immediately preceding sentence, for any tax for which a monthly or quarterly return is required, or for which no return is required, the department shall add a failure to timely pay penalty of 10 percent of the delinquent tax unpaid amount shown as tax due on the return or the amount stated in the notice and demand.

"(c) Underpayment due to negligence. -- If any part of any underpayment of tax is due to negligence or disregard of rules or regulations, there shall be added to the tax an amount equal to five percent of that part of the tax attributable to negligence or disregard of rules or regulations.

"For purposes of this subsection, the term "negligence" includes any failure to make a reasonable attempt to comply with ~~the provisions of~~ Title 40, and the term "disregard" includes any careless, reckless or intentional disregard.

"(d) Underpayment due to fraud. -- If any part of any underpayment of tax required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to 50 percent of that portion of ~~such~~ the underpayment which is attributable to fraud.

"For purposes of this section, the term "fraud" shall have the same meaning as ascribed to the term under 26 U.S.C. Section 6663, as in effect from time to time.

"(e) Frivolous return penalty. -- If ~~any a~~ taxpayer files a "frivolous return," as that term is used in 26 U.S.C. Section 6702, ~~such that~~ taxpayer may be liable for a penalty of up to ~~\$250~~ two hundred fifty dollars (\$250).

"(f) Frivolous appeal penalty. -- If any appeal to the administrative law division or circuit court is determined to be frivolous or primarily for the purpose of delay or to impede collection of any tax, a penalty of ~~\$250~~ two hundred fifty dollars (\$250) or 25 percent of the tax in question, whichever is greater, shall be assessed in addition to any tax due.

"(g) Penalties not exclusive. -- The penalties provided in this section for failure to timely file a return, failure to timely pay tax, filing a frivolous return, filing a frivolous appeal, or negligence may be asserted against the same taxpayer for

the same tax period. If the fraud penalty is asserted, no other penalties shall be asserted.

"(h) Waiver of penalties. -- ~~The department is authorized to reduce or waive any penalties~~ Notwithstanding the foregoing, no penalty under Title 40 or Section 10-28-15.02 shall be assessed, or if assessed, shall be waived upon a determination of reasonable cause. Reasonable cause shall include, but not be limited to, those instances where in which the taxpayer has acted in good faith, in filing a return or reporting or paying any tax. However, the The burden of proving reasonable cause shall be on the taxpayer.

"(i) Penalty and interest assessed as tax. -- All penalties and interest administered by the department shall be assessed and collected in the same manner as taxes.

"(j) Penalty not to apply to registration and titling of motor vehicles. -- The penalties provided herein shall not apply to the registration or titling of motor vehicles."

Section 3. By enactment of this amendatory legislation, it is the intent of the Legislature with regard to Section 40-2A-9(g)(2) to expressly reject certain dicta included in the decision of the Alabama Court of Civil Appeals in *State Department of Revenue v. Acker*, 636 So. 2d 470 (Ala. Civ. App. 1994) to the effect that (1) a circuit court's judgment rendered upon an appeal from the decision of a department administrative law judge is not entitled to any presumption of correctness and (2) the administrative law judge's decision must be affirmed unless arbitrary, capricious, or not made in compliance with applicable law. 636 So. 2d at 473. It is the intent of the Alabama Legislature, as expressly stated in Section 40-2A-9(g)(2), that an appeal from a decision of an administrative law judge of the department to a circuit court shall be a trial de novo, provided that the decision of the administrative law judge shall be presumed prima facie correct and the burden shall be upon the appealing party to show otherwise. The Legislature does not intend by reenacting Section 40-2A-9(g)(2) without any substantive change to adopt or otherwise approve any holding in *State v. Acker* that is contrary to the express language of that section. The Legislature nonetheless approves of the ultimate holding and result in *State v. Acker*.

Section 4. This amendatory act shall apply to all written advisements or other written interpretations by department personnel issued before October 1, 1992, irrespective of whether the department has taken any action prior to the enactment of this amendatory act to revoke or amend its advice or interpretation.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. The waiver of penalties authorized by Section 40-2A-11(h), as amended, may apply to penalties outstanding at the effective date although assessed prior to the effective date.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 98; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-98

And the bill:

H. 806. To amend Sections 40-2A-5, 40-2A-7, 40-2A-9, 40-2A-10, and 40-2A-11, Code of Alabama 1975; to provide further for the administrative procedures and operations of the Department of Revenue.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Warren, White, Willis and Wren.

-81

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Papucci, Crigler and Allen intended to vote "Yea" on passage of the bill, H. 806, as amended.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hooper offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 129.

MOTION TO CARRY OVER TABLED

On motion of Representative Hooper, the motion offered by Representative Robinson to carry over the bill, H. 129, and the pending Budget Isolation Resolution to the twenty-first legislative day was tabled.

Yeas 74; Nays 9.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (J), Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Warren, White and Wren.

-74

Nay:

Representatives Guin, Hall (A), Hill, Hinshaw, Hogan, Jorgensen, Letson, Robinson and Smith.

- 9

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Hooper to adopt the Budget Isolation Resolution relating to the bill, H. 129, and the Budget Isolation Resolution was adopted.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren, White and Wren.

-81

Nay:

Representative Robinson.

- 1

And the bill:

H. 129. (With Amendments): To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

was taken up.

SUBSTITUTE OFFERED

Representative Hooper offered the following substitute to the bill, H. 129, and to the pending amendments reported by the Standing Committee on Insurance:

A BILL TO BE ENTITLED AN ACT

To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-8-87, Code of Alabama 1975, is amended to read as follows:

"§32-8-87.

"(a) Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title who scraps, dismantles, destroys, or changes the motor vehicle in such a manner that it is not the same motor vehicle described in the certificate of origin or certificate of title, shall as soon as practicable cause the certificate of origin or certificate of title, if any, and any other documents or information required by the department to be mailed or delivered to the department for processing. The department shall, with the consent of any holder of liens noted on the surrendered certificate, enter a cancellation upon its records. Upon cancellation of a certificate of origin or certificate of title in the manner prescribed by this section, the department shall cancel all certificates of origin or certificates of title and all memorandum certificates in that chain of title. A certificate of title for the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content as specified in this section.

"No motor vehicle for which a salvage or junk certificate has been issued by this state or any other state shall be driven or operated on the highways or other public places of this state. ~~However, a~~ A vehicle which is in this state and for which a salvage certificate has been issued, and the vehicle is being restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, may be moved to and from repair points as necessary by the rebuilder to complete the restoration or may be moved as permitted by the department of revenue for inspection or for any other purpose. A valid Alabama dealer ~~transport (DT)~~ license plate ~~must~~ shall be displayed on the vehicle during its movement. ~~Any~~ A person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(b) When the frame or engine is removed from a motor vehicle and not immediately replaced by another frame or engine, or when an insurance company has paid money or made other monetary settlement as compensation for a total loss of any motor vehicle, ~~such~~ the motor vehicle shall be considered to be salvage. The owner of every motor vehicle in which total loss or salvage has occurred shall, within 72 hours after ~~such~~ the total loss or salvage occurs, make application for a salvage certificate of title and forward to the department the certificate of origin or certificate of title to the motor vehicle, whereupon the department shall process the certificate of origin or certificate of title in a manner prescribed by law or regulation. An insurance company which pays money or makes other monetary settlement as compensation for total loss of a motor vehicle shall at the time of payment or monetary settlement obtain ~~such~~ the vehicle's certificate of origin or certificate of title and, as soon as practicable after receiving them, shall forward them along with their application for a salvage certificate, to the department for processing. In the event the payment or

monetary settlement was made because of the theft of the vehicle, which shall be considered a total loss as defined in this section, the insurance company shall forward the vehicle's properly assigned certificate of origin or certificate of title as provided herein, to the department as soon as practicable after the vehicle is recovered. When a stolen motor vehicle has been reported to the department in compliance with this section and is later recovered, and for which a salvage certificate has been issued, the owner recorded on the salvage certificate shall assign that certificate to the purchaser. Any A person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(c) If an insurance company acquires a motor vehicle in settlement of an insurance claim and holds the vehicle for resale and procures the certificate of origin or certificate of title from the owner or lienholder within 15 days after delivery of the vehicle to the insurance company, and if the vehicle was not a total loss as defined by this section, the insurance company need not send the certificate of origin or certificate of title to the department but, upon transferring the vehicle to another person, other than by the creation of a security interest, the insurance company shall complete an affidavit of acquisition and disposition of the motor vehicle on a form prescribed by the department and deliver the certificate of origin or certificate of title, affidavit, and any other documents required by the department to the transferee at the time of delivery of the motor vehicle.

"(d) For the purposes of this section, a total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to any a person when it is deemed to be uneconomical to repair the damaged vehicle a vehicle is damaged and the damage to the vehicle is greater than or equal to 75 percent of the fair retail value of the vehicle prior to damage as set forth in a current edition of a nationally recognized compilation of retail values, including automated data bases, as approved by the department. The compensation for total loss as defined in this subsection shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental, or for anything other than the amount paid for the actual damage to the motor vehicle. A vehicle that has sustained minor damage as a result of theft or vandalism shall not be considered a total loss. Any person acquiring ownership of a damaged motor vehicle that meets the definition of total loss for which a salvage title has not been issued shall apply for a salvage title. This application shall be made before the vehicle is further transferred, but in any event, within 30 days after ownership is acquired.

"(e) It shall be unlawful for the owner of any junkyard, salvage yard, or motor vehicle dismantler and parts recycler or his or her agents or employees to have in their possession any motor vehicle which is junk or salvage or a total loss when the manufacturer's vehicle identification number plate(s) or plates, authorized replacement vehicle identification number plate(s) or plates, or serial plate(s) or plates have been removed, unless previously required to be removed by a statute or law of this state or another jurisdiction. Any A person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(f) It shall be unlawful for ~~any~~ a person, firm, or corporation to possess, sell or exchange, offer to sell or exchange, or to give away any certificate of origin, certificate of title, salvage certificate of title, manufacturer's identification number plate(s) or plates, authorized replacement vehicle identification number plate(s) or plates, serial plate(s) or plates, or motor vehicle license plate(s) or plates of any motor vehicle which has been scrapped, dismantled, or sold as junk or salvage or as a total loss contrary to ~~the provisions of~~ this section, and every officer, agent, or employee of ~~any~~ a person, firm, or corporation, and every person who shall authorize, direct, aid in or consent to the possession, sale or exchange, or offer to sell, exchange, or give away such certificate of origin, certificate of title, salvage certificate of title, manufacturer's vehicle identification number plate(s) or plates, authorized replacement vehicle identification number plate(s) or plates, serial plate(s) or plates, or motor vehicle license plate(s) or plates contrary to ~~the provisions of~~ this section, shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(g) The department is authorized to issue a salvage certificate of title for a fee of \$15.00, on a form prescribed by the department which shall provide for assignments of this title. ~~Such~~ The salvage certificate of title is to replace a certificate of origin or certificate of title required to be surrendered by this section. The department shall prescribe necessary forms and procedures to comply with ~~the provisions of~~ this subsection.

"(h) It shall be unlawful for ~~any~~ a person to sign as assignor or for ~~any~~ a person to have in his or her possession a salvage certificate of title which has been signed by the owner as assignor without the name of the assignee and other information called for on the form prescribed by the department. ~~Any~~ A person who violates this subsection, upon conviction, shall be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(i) Every owner of a salvage or junk motor vehicle who sells or transfers ~~said~~ the vehicle shall provide at the time of ~~such~~ the sale or transfer a properly executed assignment and warranty of title to the transferee in the space provided therefor on the salvage certificate of title or junk certificate of title or as the department prescribes. ~~Any~~ A person who willfully violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(j) The department may issue a certificate of title to any motor vehicle for which a salvage certificate has been issued by this or any other state, and ~~such~~ the vehicle has, in this state, been completely restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, provided that all requirements of this section have been met. ~~However, no~~ No certificate of title shall be issued for any motor vehicle for which a "junk" certificate has been issued or for a vehicle which is sold "for parts only."

"(k) Every owner of a salvage motor vehicle designated a 1975 year model and all models subsequent thereto which is in this state and which has been

restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall make application to the department for an inspection of the vehicle in the form and content as determined by the department. Each application for inspection of a salvage vehicle which has been so restored shall be accompanied by all of the following:

"(1) The outstanding salvage certificate or out-of-state title previously issued for the salvage vehicle;_

"(2) Notarized bills of sale evidencing acquisition of all major component parts (listing the manufacturer's vehicle identification number of the vehicle from which the parts were removed, if parts contain or should contain the manufacturer's vehicle identification number) used to restore the vehicle and bills of sale evidencing acquisition of all minor component parts. Notarization shall not be required on bills of sale for minor component parts; provided, ~~however,~~ that a notarized bill of sale which lists the manufacturer's vehicle identification number of the vehicle from which the parts were removed, if parts contain or should contain the manufacturer's vehicle identification number, shall be required for a transmission;_

"(3) Evidence that the owner is a licensed motor vehicle rebuilder as defined in section 40-12-390;_

"(4) The owner shall also provide a written affirmation which states the following:

"a. ~~He~~ That the owner has rebuilt the vehicle or supervised its rebuilders, and what has been done to restore the vehicle to its operating condition which existed prior to the event which caused the salvage certificate to issue;_

"b. ~~He~~ That the owner personally inspected the completed vehicle and it complies with all safety requirements set forth by the state of Alabama and any regulations promulgated thereunder;_

"c. ~~The~~ That the identification numbers of the restored vehicle and its parts have not, to the knowledge of the owner, been removed, destroyed, falsified, altered, or defaced;_

"d. ~~The~~ That the salvage certificate document or out-of-state title certificate attached to the application has not to the knowledge of the owner been forged, falsified, altered, or counterfeited;_

"e. ~~All~~ That all information contained on the application and its attachments is true and correct to the knowledge of the owner.

"(I) The application fee for each inspection of a restored vehicle shall be \$75.00, payable by certified funds to the department, which ~~must~~ shall accompany the application.

"(2) All ~~such~~ application fees received by the department shall be applied toward the personnel and maintenance costs of the vehicle inspection program and ~~such the~~ vehicle inspection program shall be conducted by the ~~Alabama department of revenue~~, office of investigations and inspections of the department. Upon receipt of the application for inspection, application fee of \$75.00, its supporting documents₂, and title fee of \$15.00₁, {payable by certified funds to the department}, the department shall require an inspection to be made of the title and the vehicle by qualified agents or law enforcement officers of the ~~Alabama department of revenue~~.

"(3) The inspection and certification shall include an examination of the vehicle and its parts to determine that the identification numbers of the vehicle or its parts have not been removed, falsified, altered, defaced, destroyed, or tampered with₁; that the vehicle information contained in the application for certificate of title and supporting documents is true and correct₁; and that there are no indications that the vehicle or any of its parts are stolen. ~~Such~~ The certification shall not attest to the roadworthiness or safety condition of the vehicle.

"(m) Component parts are defined as:

"(1) PASSENGER VEHICLES.

"a. Major components:

"1. Motor or engine.

"2. Trunk floor pan or rear section and roof.

"3. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame, except when it is a part of the trunk floor pan, or rear section and roof.

"4. Cowl, firewall, or any portion thereof.

"5. Roof assembly.

"b. Minor components:

"1. Each door allowing entrance to or egress from the passenger compartment.

"2. Hood.

"3. Each front fender or each rear fender when used with a rear section and roof.

"4. Deck lid, tailgate₂ or hatchback (whichever is present).

"5. Each quarter panel.

"6. Each bumper.

"7. T-tops, moon roof, or whichever is present.

"8. Transmission or trans-axle.

"(2) TRUCK, TRUCK TYPE₂ OR BUS TYPE VEHICLES.

"a. Major components:

"1. Motor or engine.

"2. Transmission or trans-axle.

"3. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame.

"4. Cab.

"5. Cowl or firewall or any portion thereof.

"6. Roof assembly.

"7. Cargo compartment floor panel or passenger compartment floor pan.

"b. Minor components:

"1. Each door.

"2. Hood.

"3. Grill, except on one ton or smaller trucks.

"4. Each bumper.

"5. Each front fender.

"6. Roof panel and rear cab panel.

"7. Each rear fender or side panel.

"8. Pickup box.

"9. Body or bed.

"(3) MOTORCYCLE: COMPONENT PARTS.

- "a. Engine or motor.
- "b. Transmission or trans-axle.
- "c. Frame.
- "d. Front fork.
- "e. Crankcase.

"(n) A salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title which shall contain the word "rebuilt." ~~However a passenger vehicle, truck type or bus type vehicle restored with a combination of no more than one major component part, as defined above, and no more than five minor component parts, as defined above; or a combination of no more than six minor component parts, as defined above, shall be issued a certificate of title without "rebuilt" appearing thereon. A motorcycle restored with less than two component parts, as defined above, shall be issued a certificate of title without "rebuilt" appearing thereon.~~

"(o)(1) Each salvage vehicle restored or rebuilt in this state which is required to be inspected by the department pursuant to subsection (l) of this section and for which a certificate of title may be issued pursuant to subsection (n) of this section shall be issued a decal, plate, or other emblem as prescribed by the department to reflect that the vehicle is rebuilt. The decal, plate, or other emblem shall be attached to the vehicle in a place and in a manner prescribed by the department.

"(2) A person who willfully removes, mutilates, tampers with, obliterates, or destroys a decal, plate, or other emblem issued and attached to a salvage vehicle pursuant to this subsection is guilty of a Class A misdemeanor punishable as provided by law.

"(p) Each person who sells, exchanges, delivers, or otherwise transfers any interest in any vehicle for which a title bearing the designation "salvage" or "rebuilt" has been issued shall disclose in writing the existence of this title to the prospective purchaser, recipient in exchange, recipient by donation, or recipient by other act of transfer. The disclosure, which shall be made at the time of or prior to the completion of the sale, exchange, donation, or other act of transfer, shall contain the following information in no smaller than 10 point type: "This vehicle's title contains the designation "salvage" or "rebuilt".

"(q) Any body shop, motor vehicle repair shop, rebuilder, or other person, firm, or corporation engaged in the business of repairing damage sustained by a motor vehicle as a result of a collision, catastrophe, act of God, or other accident

shall, if the total cost of repairs to the damaged vehicle exceeds three thousand dollars (\$3,000), affix to the vehicle a permanent decal, plate, or other emblem, in a form approved by the Department of Revenue, advising that repairs in excess of \$3,000 have been made to the vehicle. The decal, plate, or other emblem shall be attached to the vehicle in a place and in a manner prescribed by the department. The provisions of subsection (n) relating to the circumstances under which the certificate of title shall contain the words "rebuilt" or "salvage" remain applicable notwithstanding the requirements of this subsection."

Section 2. This act shall become effective June 1, 1996.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 86; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Wren.

-86

Nay:

Representatives Hall (A), Hill, Hinshaw and Robinson.

- 4

S. 220 SUBSTITUTED FOR H. 129

In accordance with House Rule 20 and on motion of Representative Hooper, the bill, S. 220, was substituted for the bill, H. 129, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, S. 220, was adopted.

Yeas 81; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Warren and White.

-81

Nay:

Representatives Guin, Hall (A), Hill, Hinshaw and Robinson.

- 5

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 614. To amend Section 41-19-3, Code of Alabama 1975, relating to the Budget Management Act, to change the date that the Governor is required to present the long-range revenue and expenditure plan to the Legislature.

TOMMY CARTER
Chairman

And the bill, H. 614, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 321. To provide for the separate regulation of the planning, installation, inspection, repairing, or testing of fire detection, fire alarm, or fire communication systems and for burglary and similar alarms; to provide for definitions of certain terms; to provide for violations and penalties; to provide for the duties and responsibilities of the State Fire Marshal; to provide for fees; to provide for the implementation of rules and regulations.

TOMMY CARTER
Chairman

And the bill, H. 321, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 285. To amend Section 9-8A-3, Code of Alabama 1975, relating to the appointment of members to the Alabama Agricultural and Conservation Development Commission; to provide for the appointment of designees by members; to provide for the replacement of a designee who is absent from three or more consecutive meetings without cause, and would remove the appointed member of the Alabama Agricultural Stabilization and Conservation Committee from the commission.

TOMMY CARTER
Chairman

And the bill, H. 285, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 467. To require the state board of education to review requirements for teacher education; to cause colleges and universities which offer a teacher preparation program to require as a condition for graduation that their students preparing to be teachers pass a nationally normed teacher education test; to authorize the state board of education to approve the use and determine the level deemed to be a passing of the test; to require out-of-state graduates to pass the said nationally normed test before being certified.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 599. To state the legislative intent; to define terms used in this act; to designate the Board of Nursing as the sole state authority to establish the qualifications necessary for a registered nurse to be certified as an advanced practice nurse; to authorize the Board of Nursing to adopt rules and regulations governing the certification of the advanced practice nurse; to provide that the State Board of Medical Examiners and the Board of Nursing shall regulate the collaborative practice of physicians and advanced practice nurses which includes certified registered nurse practitioners and certified nurse midwives, to require persons wishing to engage in those two categories of advanced practice nursing to be certified by the Board of Nursing and practice in accordance with protocols approved by the State Board of Medical Examiners and the Board of Nursing to recommend rules and regulations to govern the collaborative relationship between physicians and those two categories of advanced practice nurses; to authorize two categories of advanced practice nurses to prescribe legend drugs; to specify prohibited acts; to establish requirements for disciplinary actions to be initiated by the State Board of Medical Examiners and the Board of Nursing; and to authorize the State Board of Medical Examiners and the Board of Nursing to seek a civil

injunction against any person engaged in advanced practice nursing in violation of this act.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

S. 220 TAKEN UP

And the bill:

S. 220. To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

was taken up.

SUBSTITUTE OFFERED

Representative Hooper offered the following substitute to the bill, S. 220:

A BILL TO BE ENTITLED AN ACT

To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-8-87, Code of Alabama 1975, is amended to read as follows:

"§32-8-87.

"(a) Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title who scraps, dismantles, destroys, or changes the motor vehicle in such a manner that it is not the same motor vehicle described in the certificate of origin or certificate of title, shall as soon as practicable cause the certificate of origin or certificate of title, if any, and any other documents or information required by the department to be mailed or delivered to the department for processing. The department shall, with the consent of any holder of liens noted on the surrendered certificate, enter a cancellation upon its records. Upon cancellation of a certificate of origin or certificate of title in the manner prescribed by this section, the department shall cancel all certificates of origin or certificates of title and all memorandum certificates in that chain of title. A certificate of title for the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content as specified in this section.

"No motor vehicle for which a salvage or junk certificate has been issued by this state or any other state shall be driven or operated on the highways or other public places of this state. ~~However, a~~ A vehicle which is in this state and for which a salvage certificate has been issued, and the vehicle is being restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, may be moved to and from repair points as necessary by the rebuilder to complete the restoration or may be moved as permitted by the department of revenue for inspection or for any other purpose. A valid Alabama dealer ~~transport (DT)~~ license plate ~~must~~ shall be displayed on the vehicle during its movement. Any A person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(b) When the frame or engine is removed from a motor vehicle and not immediately replaced by another frame or engine, or when an insurance company has paid money or made other monetary settlement as compensation for a total loss of any motor vehicle, ~~such the~~ motor vehicle shall be considered to be salvage. The owner of every motor vehicle in which total loss or salvage has occurred shall, within 72 hours after ~~such the~~ total loss or salvage occurs, make application for a salvage certificate of title and forward to the department the certificate of origin or certificate of title to the motor vehicle, whereupon the department shall process the certificate of origin or certificate of title in a manner prescribed by law or regulation. An insurance company which pays money or makes other monetary settlement as compensation for total loss of a motor vehicle shall at the time of payment or monetary settlement obtain ~~such the~~ vehicle's certificate of origin or certificate of title and, as soon as practicable after receiving them, shall forward them along with their application for a salvage certificate, to the department for processing. In the event the payment or monetary settlement was made because of the theft of the vehicle, which shall be considered a total loss as defined in this section, the insurance company shall forward the vehicle's properly assigned certificate of origin or certificate of title as provided herein, to the department as soon as practicable after the vehicle is recovered. When a stolen motor vehicle has been reported to the department in

compliance with this section and is later recovered, and for which a salvage certificate has been issued, the owner recorded on the salvage certificate shall assign that certificate to the purchaser. ~~Any~~ A person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(c) If an insurance company acquires a motor vehicle in settlement of an insurance claim and holds the vehicle for resale and procures the certificate of origin or certificate of title from the owner or lienholder within 15 days after delivery of the vehicle to the insurance company, and if the vehicle was not a total loss as defined by this section, the insurance company need not send the certificate of origin or certificate of title to the department but, upon transferring the vehicle to another person, other than by the creation of a security interest, the insurance company shall complete an affidavit of acquisition and disposition of the motor vehicle on a form prescribed by the department and deliver the certificate of origin or certificate of title, affidavit, and any other documents required by the department to the transferee at the time of delivery of the motor vehicle.

"(d) For the purposes of this section, a total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to any a person when it is deemed to be uneconomical to repair the damaged vehicle a vehicle is damaged and the damage to the vehicle is greater than or equal to 75 percent of the fair retail value of the vehicle prior to damage as set forth in a current edition of a nationally recognized compilation of retail values, including automated data bases, as approved by the department. The compensation for total loss as defined in this subsection shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental, or for anything other than the amount paid for the actual damage to the motor vehicle. A vehicle that has sustained minor damage as a result of theft or vandalism shall not be considered a total loss. Any person acquiring ownership of a damaged motor vehicle that meets the definition of total loss for which a salvage title has not been issued shall apply for a salvage title, other than a scrap metal processor acquiring such vehicle for purposes of recycling into metallic scrap for remelting purposes only. This application shall be made before the vehicle is further transferred, but in any event, within 30 days after ownership is acquired.

"(e) It shall be unlawful for the owner of any junkyard, salvage yard, or motor vehicle dismantler and parts recycler or his or her agents or employees to have in their possession any motor vehicle which is junk or salvage or a total loss when the manufacturer's vehicle identification number plate(s) or plates, authorized replacement vehicle identification number plate(s) or plates, or serial plate(s) or plates have been removed, unless previously required to be removed by a statute or law of this state or another jurisdiction. ~~Any~~ A person who violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(f) It shall be unlawful for any a person, firm, or corporation to possess, sell or exchange, offer to sell or exchange, or to give away any certificate of origin,

certificate of title, salvage certificate of title, manufacturer's identification number plate(s) or plates, authorized replacement vehicle identification number plate(s) or plates, serial plate(s) or plates, or motor vehicle license plate(s) or plates of any motor vehicle which has been scrapped, dismantled, or sold as junk or salvage or as a total loss contrary to ~~the provisions of~~ this section, and every officer, agent, or employee of ~~any~~ a person, firm, or corporation, and every person who shall authorize, direct, aid in or consent to the possession, sale or exchange, or offer to sell, exchange, or give away such certificate of origin, certificate of title, salvage certificate of title, manufacturer's vehicle identification number plate(s) or plates, authorized replacement vehicle identification number plate(s) or plates, serial plate(s) or plates, or motor vehicle license plate(s) or plates contrary to ~~the provisions of~~ this section, shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(g) The department is authorized to issue a salvage certificate of title for a fee of \$15.00, on a form prescribed by the department which shall provide for assignments of this title. ~~Such~~ The salvage certificate of title is to replace a certificate of origin or certificate of title required to be surrendered by this section. The department shall prescribe necessary forms and procedures to comply with ~~the provisions of~~ this subsection.

"(h) It shall be unlawful for ~~any~~ a person to sign as assignor or for ~~any~~ a person to have in his or her possession a salvage certificate of title which has been signed by the owner as assignor without the name of the assignee and other information called for on the form prescribed by the department. ~~Any~~ A person who violates this subsection, upon conviction, shall be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(i) Every owner of a salvage or junk motor vehicle who sells or transfers ~~said the vehicle to any person other than to a scrap metal processor for purposes of recycling into metallic scrap for remelting purposes only,~~ shall provide at the time of ~~such~~ the sale or transfer a properly executed assignment and warranty of title to the transferee in the space provided therefor on the salvage certificate of title or junk certificate of title or as the department prescribes. ~~Any~~ A person who willfully violates this subsection shall, upon conviction, be guilty of a Class C misdemeanor and shall be punishable as required by law.

"(j) The department may issue a certificate of title to any motor vehicle for which a salvage certificate has been issued by this or any other state, and ~~such~~ the vehicle has, in this state, been completely restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, provided that all requirements of this section have been met. ~~However, no~~ No certificate of title shall be issued for any motor vehicle for which a "junk" certificate has been issued or for a vehicle which is sold "for parts only."

"(k) Every owner of a salvage motor vehicle designated a 1975 year model and all models subsequent thereto which is in this state and which has been restored in this state to its operating condition which existed prior to the event

which caused the salvage certificate of title to issue shall make application to the department for an inspection of the vehicle in the form and content as determined by the department. Each application for inspection of a salvage vehicle which has been so restored shall be accompanied by all of the following:

"(1) The outstanding salvage certificate or out-of-state title previously issued for the salvage vehicle;_

"(2) Notarized bills of sale evidencing acquisition of all major component parts (listing the manufacturer's vehicle identification number of the vehicle from which the parts were removed, if parts contain or should contain the manufacturer's vehicle identification number) used to restore the vehicle and bills of sale evidencing acquisition of all minor component parts. Notarization shall not be required on bills of sale for minor component parts; provided, ~~however,~~ that a notarized bill of sale which lists the manufacturer's vehicle identification number of the vehicle from which the parts were removed, if parts contain or should contain the manufacturer's vehicle identification number, shall be required for a transmission;_

"(3) Evidence that the owner is a licensed motor vehicle rebuilder as defined in section 40-12-390;_

"(4) The owner shall also provide a written affirmation which states the following:

"a. ~~He~~ That the owner has rebuilt the vehicle or supervised its rebuilders, and what has been done to restore the vehicle to its operating condition which existed prior to the event which caused the salvage certificate to issue;_

"b. ~~He~~ That the owner personally inspected the completed vehicle and it complies with all safety requirements set forth by the state of Alabama and any regulations promulgated thereunder;_

"c. ~~The~~ That the identification numbers of the restored vehicle and its parts have not, to the knowledge of the owner, been removed, destroyed, falsified, altered, or defaced;_

"d. ~~The~~ That the salvage certificate document or out-of-state title certificate attached to the application has not to the knowledge of the owner been forged, falsified, altered, or counterfeited;_

"e. ~~All~~ That all information contained on the application and its attachments is true and correct to the knowledge of the owner.

"(l) The application fee for each inspection of a restored vehicle shall be \$75.00, payable by certified funds to the department, which ~~must~~ shall accompany the application.

"(1) All ~~such~~ application fees received by the department shall be applied toward the personnel and maintenance costs of the vehicle inspection program and ~~such the~~ vehicle inspection program shall be conducted by the ~~Alabama department of revenue,~~ office of investigations and inspections of the department. Upon receipt of the application for inspection, application fee of \$75.00, its supporting documents, and title fee of \$15.00, (payable by certified funds to the department), the department shall require an inspection to be made of the title and the vehicle by qualified agents or law enforcement officers of the ~~Alabama department of revenue~~.

"(2) The inspection and certification shall include an examination of the vehicle and its parts to determine that the identification numbers of the vehicle or its parts have not been removed, falsified, altered, defaced, destroyed, or tampered with; that the vehicle information contained in the application for certificate of title and supporting documents is true and correct; and that there are no indications that the vehicle or any of its parts are stolen. ~~Such~~ The certification shall not attest to the roadworthiness or safety condition of the vehicle.

"(m) Component parts are defined as:

"(1) PASSENGER VEHICLES.

"a. Major components:

"1. Motor or engine.

"2. Trunk floor pan or rear section and roof.

"3. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame, except when it is a part of the trunk floor pan, or rear section and roof.

"4. Cowl, firewall, or any portion thereof.

"5. Roof assembly.

"b. Minor components:

"1. Each door allowing entrance to or egress from the passenger compartment.

"2. Hood.

"3. Each front fender or each rear fender when used with a rear section and roof.

"4. Deck lid, tailgate, or hatchback (whichever is present).

"5. Each quarter panel.

"6. Each bumper.

"7. T-tops, moon roof, or whichever is present.

"8. Transmission or trans-axle.

"(2) TRUCK, TRUCK TYPE₁ OR BUS TYPE VEHICLES.

"a. Major components:

"1. Motor or engine.

"2. Transmission or trans-axle.

"3. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame.

"4. Cab.

"5. Cowl or firewall or any portion thereof.

"6. Roof assembly.

"7. Cargo compartment floor panel or passenger compartment floor pan.

"b. Minor components:

"1. Each door.

"2. Hood.

"3. Grill, except on one ton or smaller trucks.

"4. Each bumper.

"5. Each front fender.

"6. Roof panel and rear cab panel.

"7. Each rear fender or side panel.

"8. Pickup box.

"9. Body or bed.

"(3) MOTORCYCLE: COMPONENT PARTS.

- "a. Engine or motor.
- "b. Transmission or trans-axle.
- "c. Frame.
- "d. Front fork.
- "e. Crankcase.

"(n) A salvage vehicle which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to issue shall be issued a certificate of title which shall contain the word "rebuilt." ~~However a passenger vehicle, truck type or bus type vehicle restored with a combination of no more than one major component part, as defined above, and no more than five minor component parts, as defined above; or a combination of no more than six minor component parts, as defined above, shall be issued a certificate of title without "rebuilt" appearing thereon. A motorcycle restored with less than two component parts, as defined above, shall be issued a certificate of title without "rebuilt" appearing thereon.~~

"(o)(1) Each salvage vehicle restored or rebuilt in this state which is required to be inspected by the department pursuant to subsection (l) of this section and for which a certificate of title may be issued pursuant to subsection (n) of this section shall be issued a decal, plate, or other emblem as prescribed by the department to reflect that the vehicle is rebuilt. The decal, plate, or other emblem shall be attached to the vehicle in a place and in a manner prescribed by the department.

"(2) A person who willfully removes, mutilates, tampers with, obliterates, or destroys a decal, plate, or other emblem issued and attached to a salvage vehicle pursuant to this subsection is guilty of a Class A misdemeanor punishable as provided by law.

"(p) Each person who sells, exchanges, delivers, or otherwise transfers any interest in any vehicle for which a title bearing the designation "salvage" or "rebuilt" has been issued shall disclose in writing the existence of this title to the prospective purchaser, recipient in exchange, recipient by donation, or recipient by other act of transfer. The disclosure, which shall be made at the time of or prior to the completion of the sale, exchange, donation, or other act of transfer, shall contain the following information in no smaller than 10 point type: "This vehicle's title contains the designation "salvage" or "rebuilt"."

Section 2. This act shall become effective June 1, 1996.

MOTION TO CARRY OVER TABLED

On motion of Representative Hooper, the motion offered by Representative Hall (A) to carry over the bill, S. 220, and the pending substitute to the thirtieth legislative day was tabled.

Yeas 59; Nays 10.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carter, Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hilliard, Hooper, Houston, Johnson (E), Jorgensen, Knight (J), Layson, Lindsey, McAdory, McDaniel, McKee, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Petelos, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Tumham, Vance, White and Wren.

-59

Nay:

Representatives Carns, Hall (A), Hayden, Hill, Hinshaw, Letson, Newton (D), Payne, Robinson and Sanderson.

-10

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 63. To require city and town governing bodies to assess a charge against certain landowners seeking to connect to a sewer or sewer system and to provide that the act shall be construed as cumulative to certain existing law.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 93. COMMEMORATING THE 220TH BIRTHDAY OF THE UNITED STATES ARMY.

Also:

S.J.R. 97. COMMENDING JAMES DANIELS OF NEWTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

S.J.R. 98. EXTENDING BEST WISHES TO MILLARD BARNETT LAWLEY ON HIS 50TH BIRTHDAY.

Also:

S.J.R. 99. HONORING THE WINSTON AND BETHLONIA JOHNSON FAMILY.

Also:

S.J.R. 101. CONGRATULATING DR. RICHARD CORDELL OF GUIN, ALABAMA, FOR OUTSTANDING SERVICE.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 248. To amend Sections 22-13-4 and 22-13-5, Code of Alabama 1975; to provide for the reporting of each confirmed case of cancer to the State Health Officer and to establish the Alabama Statewide Cancer Registry; and to repeal Sections 22-13-2 and 22-13-6 to 22-13-11, inclusive, Code of Alabama 1975.

Also:

S. 476. Relating to the Etowah County Commission; establishing and defining boundaries of the single-member district county governing body, pursuant to the Joint Remedy Proposal, in the court order dated January 30, 1995, and related orders, in Civil Action No. 89-T-459-E in the United States District Court for the Middle District of Alabama, Eastern Division, in the case of Presley et al v. Etowah County Commission; relating to budgetary and expenditure matters for roads and bridges; relating to duties of the commissioners and the county road supervisor; providing for the chair of the commission; and providing that commissioners shall be on a part-time status; providing for the compensation and expenses of the commissioners; and repealing conflicting laws.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

S. 220 RESUMED

MOTION IN WRITING OFFERED

Representative Jorgensen offered the following Motion in Writing relating to the bill, S. 220:

Mr. Speaker:

I move the previous question!

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 47; Nays 25.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Burke, Carns, Clouse, Crigler, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Haney, Hawk, Hawkins, Hayden, Hill, Hooper, Jackson, Johnson (E), Jorgensen, Knight (A), Laird, Letson, Lindsey, McAdory, McDaniel, McMillan, Moore, Morrison, Murphree, Papucci, Parker (T), Perdue, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Townsend, Turner, Vance and Warren.

-47

Nay:

Representatives Bandy, Boyd, Buskey, Clark (W), Graham, Guin, Hall (A), Hall (L), Hilliard, Hinshaw, Hogan, Johnson (R), Kennedy, Millican, Minnifield, Morrow, Newton (D), Parker (P), Payne, Reed, Robinson, Rogers (J), Spratt, Turnham and Willis.

-25

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 434. To amend Sections 22-18-1, 22-18-3 to 22-18-6, inclusive, Code of Alabama 1975, to conform to the Administrative Procedure Act rulemaking procedures with respect to emergency medical services; to reduce the licensure period for emergency medical technicians and ambulance drivers from three to two years, and to reduce the fee for such licenses from \$15.00 to \$10.00; to clarify language in existing code provisions relating to licensure of emergency medical technicians, ambulance operators, and ambulance drivers; to alter and expand the membership of the existing state emergency medical services advisory board, and to alter and clarify certain of its procedures; to eliminate current criminal penalties for violations of emergency medical services laws and to substitute new more specific provisions; to provide for the revocation of licenses for ambulance drivers, emergency medical technicians, and ambulance operators, to establish the specific grounds leading to adverse licensure action, and to conform such licensure procedures to the Alabama Administrative Procedure Act; to provide for the use of advanced life support procedures by emergency medical technicians and to permit properly staffed emergency vehicles to be equipped with drugs, fluids, and advanced life support equipment; to establish a state emergency medical control committee to advise the board of health; to clarify that the board of health, in fulfilling its responsibilities under the act, must in all cases conform its activities to the Administrative Procedure Act; to clarify that fire suppression activities and non-transport basic life support emergency medical services response of volunteer fire departments shall not be regulated by the board of health; and for other purposes.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 675. To amend Section 41-22-5 of the Code of Alabama 1975, relating to the procedure for the adoption of rules pursuant to the Alabama Administrative Procedure Act, to provide that a rule or the repeal of a rule issued by the Department of Revenue which increases any taxes, fees, or other revenues administered by the department shall not be valid.

TOMMY CARTER
Chairman

And the bill, H. 675, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 806. To amend Sections 40-2A-5, 40-2A-7, 40-2A-9, 40-2A-10, and 40-2A-11, Code of Alabama 1975; to provide further for the administrative procedures and operations of the Department of Revenue.

TOMMY CARTER
Chairman

And the bill, H. 806, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 74. To require timely payments to contractors, subcontractors, and sub-subcontractors; and to provide for interest on late payments.

McDOWELL LEE
Secretary

S. 220 RESUMED

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative Hooper to the bill, S. 220, and the substitute was adopted.

Yeas 74; Nays 17.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Haney, Hawk, Hawkins, Hayden, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Wren.

-74

Nay:

Representatives Burke, Guin, Hall (A), Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Layson, Millican, Minnifield, Morrow, Newton (D), Page, Parker (P), Robinson and Willis.

-17

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hooper intended to vote "Yea" on adoption of the substitute to the bill, S. 220.

And the bill, S. 220, as amended, was read a third time at length and passed.

Yeas 93; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-93

Nay:

Representatives Hall (A), Hamilton, Hill and Robinson.

- 4

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hall (L) intended to vote "Yea" on passage of the bill, S. 220, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 535, was adopted.

Yeas 58; Nays 24.

Yea:

Mr. Speaker, Allen, Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McDaniel, Minnifield, Moore, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Pringle, Rogers (M), Sanderford, Spratt, Thomas (D), Turner, Willis and Wren.

-58

Nay:

Representatives Bandy, Buskey, Curry, Hall (L), Holmes, Houston, Jackson, Johnson (R), Maull, McAdory, McKee, McMillan, Millican, Morrison, Payne, Rogers (J), Sims, Smith, Thomas (J), Townsend, Turnham, Vance, Warren and White.

-24

And the bill:

H. 535. (With Amendment): To establish a statewide program for solid waste management to be coordinated by the Department of Environmental Management; to amend Sections 22-27-1 to 22-27-3, inclusive, Sections 22-27-5, and 22-27-48, Code of Alabama 1975, and repeal Sections 22-27-4, 22-27-6, and 22-27-7, Code of Alabama 1975, relating to solid waste disposal and local approval of solid waste disposal facilities; to provide for local programs of solid waste management and to control unauthorized dumping; to establish a trust fund to pay the cost of investigation, required clean-up, and closure of unauthorized dumps by innocent, responsible land owners; to authorize fees for disposal or incineration of solid waste within the state; to establish minimum standards for penalties and other enforcement remedies for violations; to provide confidentiality for certain information; and to clarify requirements of local approval.

was taken up.

SUBSTITUTE OFFERED

Representative Knight (A) offered the following substitute to the bill, H. 535, and to the pending amendment reported by the Standing Committee on Commerce, Transportation and Utilities:

A BILL TO BE ENTITLED AN ACT

To establish a statewide program for solid waste management to be coordinated by the Department of Environmental Management; to amend Sections 22-27-1 to 22-27-3, inclusive, Sections 22-27-5, and 22-27-48, Code of Alabama 1975, and repeal Sections 22-27-4, 22-27-6, and 22-27-7, Code of Alabama 1975, relating to solid waste disposal and local approval of solid waste disposal facilities; to provide for local programs of solid waste management and to control unauthorized dumping; to establish a trust fund to pay the cost of investigation, required clean-up, and closure of unauthorized dumps by innocent, responsible land owners; to authorize fees for disposal or incineration of solid waste within the state; to provide for the appropriation of fees collected for fiscal year ending September 30, 1996; to establish minimum standards for penalties and other

enforcement remedies for violations; to provide confidentiality for certain information; and to clarify requirements of local approval.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-27-1, Code of Alabama 1975, is amended to read as follows:

"§22-27-1.

"This article shall be known as the "Solid Wastes ~~Disposal~~ and Recyclable Materials Management Act."

Section 2. (a) The Legislature declares that since improper and inadequate solid waste practices create public health hazards, environmental pollution, economic loss, and cause irreparable harm to the public health, safety, and welfare, it is the purpose of this act to accomplish each of the following:

(1) To establish and maintain a cooperative state and local program of planning and coordination for comprehensive solid waste management and to delineate the respective roles of state and local agencies to approve sites and permit changes.

(2) To establish the reduction, reuse, and treatment recycling of materials, which would otherwise be disposed of as solid waste through education, regulation, planning assistance, and other incentives.

(3) To encourage the development of materials and energy recovery as a means of managing solid waste, conserving resources, and supplying energy after assuring that to the maximum extent possible, recyclable materials are recycled considering recycling costs and markets, and all solid waste, recyclables, and other materials are managed in ways which prohibit the creation of public nuisances.

(4) To assure that adequate safeguards exist for the long-term maintenance of solid waste disposal facilities after closure.

(5) To assure that adequate capacity for energy recovery, materials recovery, and solid waste disposal will be available to meet the state's future solid waste requirements.

(6) To protect public health and the environment from the short and long-term dangers of improper collection, transportation, processing, treatment, storage, and disposal of solid wastes, and from the mismanagement of any material which may pose a threat to public health and safety and the environment.

(7) To provide additional and cumulative remedies to control the management of solid wastes within the state.

(8) To provide funding for a comprehensive solid waste management program for the state, to include funding for environmental research, public awareness, and industrial/business environmental education in the area of household hazardous waste production, reduction, transportation, and disposal.

(b) In furtherance of its responsibility to protect the public health, safety, and welfare of its citizens, and to protect and enhance the quality of the environment, it is the policy of the state that a comprehensive statewide solid waste management program should be instituted and maintained, which would assure that solid waste management facilities, whether publicly or privately operated, do not adversely affect the health, safety, and well-being of the public and do not degrade the quality of the environment by reason of their location, design, construction, method of operation, or closure, and, to the extent feasible and practical, make maximum utilization of the resources contained in solid waste.

(c) It is further declared to be the policy of this state to do all of the following:

(1) To encourage generators of solid waste to reduce or minimize the amount of solid waste which requires collection, treatment, or disposal through source reduction, reuse, composting, recycling, and other methods, and to promote markets for and engage in the purchase of goods made from recovered materials and goods which are recyclable.

(2) To establish and implement a comprehensive unified program of solid waste management between state and local governments to achieve a unified and effective solid waste management program as outlined in this act.

(3) To utilize to every reasonable extent, the existing private recycling infrastructure in the state to prevent the unnecessary duplication of processing and marketing capacity at taxpayer expense.

Section 3. Section 22-27-2, Code of Alabama 1975, is amended to read as follows:

"§22-27-2.

"For the purpose of this article, the following terms shall have the meanings, ~~respectively ascribed to them by this section~~ unless the context clearly indicates otherwise:

"~~(14)~~(1) AGENCY. Any controlling agency, public or private, elected, appointed or volunteer utilizing methods approved by the ~~health department~~ department or the board for the purpose of controlling and supervising the collection, ~~and/or disposal~~ transportation, or management of solid wastes.

"~~(3)~~(2) ASHES ASH. The solid residue from burning of wood, coal, coke or other combustible material used for heating or ~~from the burning or incineration of solid wastes, but excepting solid residue, the storage or disposition of which is~~

~~controlled by other agencies.~~ As used in this article, the terms "solid wastes," "garbage," and "ash" do not include fly ash, bottom ash waste, boiler slag waste, or flue gas emission control waste resulting primarily from the combustion of coal, wood, or other fossil fuels at electric or steam generating plants and which are managed on plant-related property of the owner or operator of the plants.

"(3) BOARD. The State Board of Health as constituted by Section 22-2-1, and includes the Committee of Public Health or State Health Officer when acting as the board.

"(4) COLLECTION. The act of gathering solid waste materials from homes, businesses, governmental agencies, institutions, industrial sites, bulk refuse receptacles, or other solid waste generating properties in order to facilitate the off-site transportation of such solid waste.

"(5) OPEN DUMP COMMERCIAL SOLID WASTE. Any officially recognized place, land or building which serves as a final depository for solid wastes, whether or not burned or buried, which does not meet the minimum requirements for a sanitary landfill, except approved incinerators, compost plants and salvage yards. All types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding household and industrial sites.

"(6) COMMISSION. The Alabama Environmental Management Commission.

~~"(11)(7) COMPOSTING OR COMPOST PLANT. An officially controlled method or~~ The operation whereby ~~putrescible~~ the solid organic constituents of solid wastes are broken down through microbic ~~action~~ actions to a stable, humus-like material offering no hazard or nuisance factors to public health or well-being.

"(8) CONSTRUCTION AND DEMOLITION DEBRIS. Discarded solid wastes resulting from construction, remodeling, repair, and demolition of structures, road building, and land clearing. This term includes, but is not limited to, masonry materials, sheet rock, roofing waste, insulation (not including asbestos), paving materials, and wood products. Uncontaminated concrete, reinforced concrete, soil brick, rock and similar materials are excluded from this definition.

~~"(15)(9)~~ DEPARTMENT. The Alabama department of environmental management.

~~"(16)(10)~~ DIRECTOR. The director of the Alabama department of environmental management.

"(11) DISCHARGE. The accidental or intentional spilling, leaking, pumping, emitting, emptying, or dumping of solid waste, including leachate, into or on any land or water.

"(12) HEALTH DEPARTMENT DISPOSAL. ~~An approved county or district health department, including the Alabama state department of public health and the affected state and county boards of health. The discharge, deposit, injection, dumping, spilling, leaking, placing of any solid waste into or on any land or water which allows the waste or any constituent of the waste to enter the environment or to be emitted into the air or discharged into any waters, including, but not limited to, ground waters.~~

"(13) HEALTH OFFICER FACILITY. ~~The state or affected county health officer or his designee. All contiguous land, structures, and other appurtenances used for the processing, treatment, storage or disposal of solid waste, or the recovery of recyclable materials from solid waste, whether or not authorized or permitted, including, but not limited to, waste disposal areas and waste disposed therein.~~

"(14) FRANCHISE. The limited power of a county commission or a municipal governing body to authorize a private solid waste collection service to provide household solid waste collection to residential subscribers.

"(2)(15) GARBAGE. Putrescible animal and vegetable solid wastes resulting from the handling, preparation, cooking, and consumption of food, including, but not limited to, wastes from markets, storage facilities, handling and sale of produce, and other food products, ~~and excepting such~~ except any materials that ~~may be~~ are serviced by garbage grinders and handled as household sewage.

"(16) GENERATION. The act or process of producing solid waste. Solid waste shall be considered to be generated at the point that waste materials are first discarded or collected, regardless of any subsequent materials recovery, or recycling.

"(9)(17) HAZARDOUS WASTES. Those wastes ~~defined in~~ regulated under the Hazardous ~~Waste~~ Wastes Management and Minimization Act of 1978, as amended (section 22-30-21 et seq.) codified as Chapter 30 (commencing with Section 22-30-1) of this title, as may be amended from time to time.

"(18) HOUSEHOLD WASTE. Any solid waste, including, but not limited to, garbage, trash, and sanitary waste in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreational areas. Sanitary waste in septic tanks shall be considered as household waste only when it is disposed in a landfill or unauthorized dump; and its inclusion as a household waste shall in no way prohibit or supersede the authority of the State Board of Health to regulate on-site sewage systems or the management of sanitary waste in septic tanks.

"(10)(19) INCINERATOR INCINERATION. A device designed to burn that portion of garbage and rubbish which will be consumed at temperatures generally ranging 1600 degrees Fahrenheit or over. The unburned residue from an incinerator, including metal, glass and the like shall be called ashes. The use of controlled flame combustion to thermally break down solid, liquid, or gaseous combustible wastes, with or without the recovery of energy, which produces residue that contains little or no combustible materials.

"(20) INCINERATION FACILITY. A solid waste treatment facility which utilizes the process of incineration to reduce the volume of solid waste, with or without the recovery of energy.

"(21) INDUSTRIAL WASTE. Solid waste generated by manufacturing or industrial processes that are not a hazardous waste regulated under Chapters 22 to 30, inclusive, of Title 22.

"(22) LAND CLEARING DEBRIS. Solid waste generated solely from land-clearing activities, but does not include solid waste from agricultural or silvicultural operations or land clearing debris from highway rights-of-way.

"(8)(23) LANDFILL. A method of compaction and earth cover of solid wastes other than those containing garbage or other putrescible wastes, including, but not limited to, tree limbs and stumps, demolition materials, incinerator residues and like materials not constituting a health or nuisance hazard, where cover need not be applied on a per day used basis. A disposal facility or part of a facility employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards and meets the design and operations requirements of the department's regulations and which is not a storage facility, a land treatment facility, a surface impoundment, or an injection well.

"(24) MATERIALS RECOVERY FACILITY. A solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of those materials. A materials recovery facility shall not be deemed to be a solid waste treatment facility.

"(25) MEDICAL WASTE. A solid waste or combination of solid wastes which because of its infectious characteristics may:

"a. Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

"b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed, or otherwise managed.

"(26) NEW SOLID WASTE FACILITY. A newly sited facility or expansion of an existing facility outside its permitted facility boundary.

"(27) OPEN BURNING. The combustion of solid waste without:

"a. Control of combustion air to maintain adequate temperature for efficient combustion;

"b. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

"c. Control of the emission of the combustion products. Open burning does not include the combustion occurring at a properly operating and permitted air curtain destructor.

"(28) PERSON. Any and all entities, natural or artificial, including, but not limited to, any individual, or household, partnership, association, society, joint stock company, firm, company, corporation, institution, trust, other legal entity, business organization, solid waste disposal authority or other public authority, or any governmental entity; and any successor, representative, responsible corporate officer, agent, or agency of any of the foregoing.

"(29) PRIVATE SOLID WASTE MANAGEMENT FACILITY. A solid waste management facility that is operated exclusively for a private solid waste generator for the purpose of accepting solid waste generated exclusively by such private solid waste generator.

"(30) PUBLIC SOLID WASTE MANAGEMENT FACILITY. A solid waste management facility that accepts solid waste from the public generally or for a fee or any solid waste management facility that is not a private solid waste management facility.

"(31) RECOVERED MATERIALS. Those materials which have known recycling potential; can be feasibly recycled; and which have been diverted or removed from the solid waste stream for recycling, whether or not requiring subsequent separation and processing; a substantial portion of which are consistently used in the manufacture of products which may otherwise be produced from raw or virgin materials, but shall not include solvents or materials, that are destined for incineration, energy recovery, or any use which constitutes disposal.

"(32) RECOVERED MATERIALS PROCESSING FACILITY. A facility primarily engaged in the storage, processing, and resale or reuse of recovered materials. A recovered materials processing facility is not a solid waste management facility, however, any solid waste resulting from the operation of such a facility shall be subject to all applicable laws and regulations relating to solid waste.

"(33) RECYCLABLE MATERIALS. Those materials which are capable of being recycled, whether or not the materials have been diverted or removed from the solid waste stream.

"(34) RECYCLING. Any process by which materials are collected, separated, stored, recovered, or processed and reused or returned to use in the form of raw materials or products, but does not include the use of materials as a fuel, or for any use which constitutes disposal.

"(4)(35) RUBBISH. Nonputrescible solid wastes, excluding ashes ash, consisting of both combustible and noncombustible wastes. Combustible rubbish includes, but is not limited to, discarded paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings limbs, leaves and similar materials. Noncombustible rubbish includes, but is not limited to, discarded glass, crockery, metal cans, metal furniture, appliances, and like materials which will not burn at ordinary incinerator temperatures, of not less than 1600 degrees Fahrenheit.

"(7) SANITARY LANDFILL. A controlled area of land upon which solid waste is deposited and is compacted and covered with compacted earth each day as deposited, with no on-site burning of wastes, and so located, contoured and drained that it will not constitute a source of water pollution as determined by the Alabama department of environmental management.

"(36) SILVICULTURE. The on-site growing, protecting, harvesting, and processing of trees, including, but not limited to, site preparation, tree planting, growth and cutting, road building, log transport, fire protection, and erosion control.

"(1)(37) SOLID WASTES. All putrescible and nonputrescible discarded materials, except household sewage and livestock and poultry wastes, including, but not limited to, garbage, rubbish, ashes, street and highway cleanings, dead animals, including offal, abandoned automobiles and such industrial wastes as are not controlled by other agencies. Any garbage, rubbish, construction and demolition debris, ash, or sludge from a waste treatment facility, water supply plant, or air pollution control facility, and any other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities or materials intended for or capable of recycling, but which have not been diverted or removed from the solid waste stream. The term "solid waste" does not include recovered materials, solid or dissolved materials in domestic sewage, solid or dissolved material in irrigation return flows, or industrial discharges which are point sources subject to National Pollutant Discharge Elimination System permits under the Federal Water Pollution Control Act, as amended, or the Alabama Water Pollution Control Act, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. Also excluded from this definition are land application of crop residues, animal manure, and ash resulting primarily from the combustion of fossil fuels or wood during accepted agricultural operations, waste from silvicultural operations, or mining refuse as defined and regulated pursuant to the Alabama Mining Act or sawdust, bark, chipped wood, pallets and wood materials, that are destined for energy recovery.

"(38) SOLID WASTE DISPOSAL FACILITY. Any landfill or part of a facility where final deposition of solid waste occurs and at which waste may remain after closure.

"(39) SOLID WASTE MANAGEMENT. The systematic control of solid waste including its storage, processing, treatment, recovery of materials from solid waste, or disposal.

"(40) SOLID WASTE MANAGEMENT FACILITY. Any solid waste volume reduction plant, transfer station, material recovery facility, or other facility, the purpose of which is the storage, treatment, utilization, processing, disposal, or recovery of materials from, solid waste, or any combination thereof. A solid waste facility is a solid waste management facility.

"(41) SOLID WASTE OFFICER. A county or municipal official or employee designated by the county or municipality to exercise the authority and perform the duties delegated by this article. The solid waste officer shall have the same powers of enforcement against persons violating the provisions of this article as license inspectors have against persons violating revenue laws as provided under subsections (i), (j), (k), and (n) of Section 40-12-10, as amended. The solid waste officer and the county or municipality which appointed or employed him or her shall be immune from liability for any actions of the officer carried out in the line and scope of his or her duties.

"(42) STATE HEALTH OFFICER. The Health Officer for the State of Alabama as set out in Section 22-2-8, or his or her designee as provided by law.

"(43) STORAGE. The containment of solid waste, either on a temporary basis or for a period of less than six months, in a manner not constituting the disposal of the solid waste. Storage by individuals of solid waste resulting from their own activities on their property, leased or rented, if the solid waste is in containers and collected at least once a week, or the waste is nonputrescible and stored no more than 90 days, shall not constitute "storage" for the purposes of this article. The term shall not apply to containers provided by a commercial firm or under the authority of a county or municipality for the collection and temporary storage of solid waste prior to treatment or disposal; or to any treatment or storage unit that is an integral part of a waste water treatment or a disposal system permitted under the National Pollutant Discharge Elimination System.

"(44) TON. A short ton of 2,000 pounds.

"(45) TRANSFER STATION. A solid waste management facility consisting of a combination of structures, machinery, or devices at such a facility, which receives solid waste from transporters for transport to another solid waste management facility.

"(46) TRANSPORT. The movement by a transporter of solid waste from the point of generation to any intermediate point and finally to the point of ultimate processing, treatment, storage, or disposal.

"(47) TRANSPORTER. A person, public or private, engaged in the off-site collection and/or transportation of solid waste by air, rail, highway, or water, but does not include a person collecting and/or transporting solid waste generated by that person to a permitted facility.

"(48) TREATMENT. Any technique, including incineration designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transportation, amenable to storage or recovery, safe for disposal, or reduced in volume or concentration. The recovery of recyclable materials from solid waste or transfer of solid waste is not "treatment."

~~"(6)(49) UNAUTHORIZED DUMP. Any collection of solid wastes either dumped, or caused to be dumped, or placed on any public or private property either public or private, whether or not regularly used, and not under the control and supervision of any person or agency having a permit from the department. An abandoned automobile, large appliance, or similar large item of solid waste shall be considered as forming an unauthorized dump within the meaning of this article, but not the The careless littering of smaller individual items such as political campaign literature of any nature whatsoever, tires, bottles, cans, and the like shall not be considered an unauthorized dump. An unauthorized dump shall also mean any solid waste disposal site which does not meet the regulatory provisions of this article."~~

Section 4. Regulatory Authority.

(a) The Department of Environmental Management shall be the agency with primary regulatory authority over the management of solid waste in the state, except for collection and transportation. The department may exercise the regulatory authority over the permitting and operation of solid waste management facilities necessary to enforce the requirement and purposes of Article 1 (commencing with Section 22-27-1), Chapter 27, Title 22, Code of Alabama 1975, hereinafter referred to as Article 1.

(b) The State Board of Health shall have regulatory authority over the collection and transportation of solid waste, excluding medical waste and hazardous waste, the management of sanitary waste in septic tanks, excluding landfill disposal, and the management of collection activities, including, but not limited to, the provision of collection services by county and municipal governing bodies, participation in local collection systems by county and municipal governing bodies, participation in local collection systems, the temporary retainment of solid waste on the generator's own property, not constituting storage, and any containers or container systems used in the collection of solid waste, such as bulk refuse receptacles, dumpsters, roll-off containers, and household collection carts. The State Board of Health may adopt rules and regulations necessary to enforce the requirements of Article 1.

Section 5. Section 22-27-3, Code of Alabama 1975, is amended to read as follows:

"§22-27-3.

~~"(a)(1) Generally. The county commission or municipal governing body may, and is hereby authorized to, make available to the general public collection and disposal facilities for solid wastes in a manner acceptable to the department. The county commission or municipal governing body may provide such collection or disposal services by contract with private or other controlling agencies and may include house-to-house service or the placement of regularly serviced and controlled bulk refuse receptacles within reasonable (generally less than eight miles) distance from the farthest affected household and the wastes managed in a manner acceptable to the department.~~

"(a)(1) Household Solid Waste. Effective January 1, 1996, all generators of household solid waste shall participate in solid waste collection services made available by (i) the county commission or the municipal governing body directly, (ii) any person under contract with the county commission or municipal governing body to make such services available to the citizens on behalf of the county commission or municipal governing body, or (iii) the holder of a household solid waste franchise granted by the county commission or municipal governing body authorizing the franchise holder to operate a private household solid waste collection service within the jurisdiction of the franchising authority. The county commission or municipal governing body, either directly or by contract, or the holder of a household solid waste franchise granted by the county commission or municipal governing body may provide household solid waste collection services to the citizens, including:

"a. a system of house-to-house service or the placement of regularly and frequently serviced and controlled bulk refuse receptacles within a reasonable distance, generally less than 10 miles, from the farthest affected household;

"b. a periodic payment system in compliance with this article; and

"c. an enforcement mechanism, including liens or any other legal remedy afforded by law to the counties or municipalities, to ensure compliance with this article. The solid waste collection service provided shall be effected as required by regulations adopted by the State Board of Health pursuant to this article. The county commission or municipal governing body or holder of a household solid waste franchise granted by the county commission or municipal governing body is not required to provide, and affected parties are not required to participate in, household solid waste collection services for portions of waste streams which are managed in private solid waste management facilities or are otherwise lawfully collected and transported by the generator in accordance with rules adopted by, or by a permit issued from, the State Board of Health.

~~"(2) Any county commission or municipal governing body providing services to the public under the provisions of this article shall have the power and authority may by resolution or ordinance to adopt rules and regulations providing for mandatory public participation in and subscription to such system of services; ,~~

and rules and regulations providing exemptions from participation in the service and/or from payment of all or a portion of solid waste collection service fees, except in situations in which the adoption of such rules and regulations would result in a public nuisance, a violation of this article, a health hazard, or would violate the terms of any contract or franchise agreement entered into between a governmental entity and a provider of collection service. Such governing body may, in its discretion, submit the question of requiring such mandatory public participation to a vote of the qualified electors of the county or municipality as the case may be. If such governing body submits the question to the voters, then the governing body shall also provide for holding and canvassing the returns of the election and for the giving notice thereof for two consecutive weeks in a paper of general circulation in the county. Every person, household, business, industry or property generating solid wastes, garbage or ash as defined in this section shall participate in and subscribe to such system of service unless granted a certificate of exception as provided in subsection (g) of this section. Provided, however, any individual, household, business, industry or property generating solid wastes that were sharing service for a period of at least six months may continue to share service without filing for a certificate of exception. An additional exception is granted to persons whose sole income is derived from social security benefits. Such persons are exempted from paying any fees required under this act. In the event such person, a generator of household solid waste, business, industry or property owner who has not been granted a certificate of exception refuses to participate in and subscribe to such system of service, the county commission or municipal governing body may in addition to any other remedy provided in this article bring an appropriate civil action in circuit court to compel such participation and subscription. Each county and municipal governing body may seek any civil judicial remedy available by law to compel mandatory participation and subscription to service, including, but not limited to, injunctive relief and seeking a judgment or lien against the property of persons in the service area. Except as provided in subsection (g) of this section any person, firm or corporation Any generator of household solid waste violating such rules and regulations shall be in violation of the provisions of this article and shall be punished as provided in section 22-27-10. If the court finds a generator of household solid waste guilty of refusing to participate in and subscribe to such system of service, the court shall, in addition to all other relief granted, require the generator to reimburse the county commission or municipal governing body for all attorneys fees and court costs incurred by the county commission or municipal governing body in the prosecution of the case.

"(3) No county commission shall provide solid waste collection and disposal services within the corporate limits of a municipality without the express consent of the municipal governing body of such municipality nor shall any municipality provide solid waste collection and disposal services outside its corporate limits without the express consent of the county commission of the county in which it is situated.

"(4) Any county providing door-to-door solid waste collection shall not reduce such service unless and until a letter has been sent to each resident or

~~property or business owner receiving door-to-door service stating that such service will be reduced or changed and allowing at least 60 days for any resident, business owner, or property owner to call for a public hearing and for the county or municipality to hold such public hearing upon request.~~

~~"(5) Any provision of this article to the contrary notwithstanding, no person, household, business, industry or property owner shall be required to pay any solid waste collection exemption or disposal fee chargeable under the provisions of this article unless solid waste collection and disposal services for which such charge was made were actually provided to such person, household, business, industry or property owner.~~

~~"(b) Solid waste officer.—As used in this article, solid waste officer shall mean any county official or county employee designated by the county commission to exercise the authority and perform the duties delegated by this article to such official and such officer shall have the same powers of enforcement against persons violating the provisions of this article as do license inspectors with regard to persons violating revenue laws as provided under section 40-12-10 (i), (j), (k) and (n).~~

~~"(e) Fly ash, etc.—As used in this article the terms "solid wastes", "garbage" and "ash" do not include fly ash waste, bottom ash waste, boiler slag waste or flue gas emission control waste which result from the combustion of coal or other fossil fuels at electric generating plants, nor shall such terms include any drilling discharges from oil or natural gas operations.~~

~~"(d) Garbage disposal.—Garbage and rubbish containing garbage shall be disposed of by sanitary landfill, approved incineration, composting or by other means now available or which may later become available as approved by the department. The method chosen and used shall also meet the requirements of the health department for sanitation and the protection of public health.~~

~~"(e) Burning.—No garbage or rubbish containing garbage or other putrescible materials or hazardous wastes shall be burned except in approved incinerators meeting the necessary temperature requirements and air pollution controls as now established or as may later be established. The open burning of rubbish shall be permitted only under sharply controlled circumstances where sanitary landfill or landfill is not feasible and not in proximity to sanitary landfill or landfill operations where spread of fire to these operations may be a hazard in the opinion of the department.~~

~~"(f) Haulage.—Trucks or other vehicles engaged in the business of hauling garbage and rubbish shall be so covered, secured or sealed that there will be no loss during haulage to cause littering of streets and highways, or cause a nuisance or hazard to the public health.~~

~~"(g) Exception.—A person, household, business, industry or any property owner may store, haul and dispose of his own solid wastes on his land or~~

~~otherwise, provided such storage, haulage or disposal is accomplished pursuant to a certificate of exception as provided in this subsection. In order to obtain a certificate of exception, an application, an application fee, and plan must be filed with the county health officer or his designee in the case of household solid waste or with the department in the case of solid waste from business or industry, setting out the proposed method of storing, hauling and disposing of solid waste so as to comply with rules and regulations adopted by the state or county boards of health or the department as appropriate and not create a public nuisance or hazard to the public health. The certification of exception application fee shall be established by the state board of health or the department, as the case may be, except that with regard to an individual household such fee shall be \$10.00. The proceeds from such application fees are hereby appropriated to the state board of health or the department, as the case may be, to be used for the administration of the provisions of this article. The county health officer or his designee or the department as appropriate shall investigate such application and plan and issue a certificate of exception within the time set by the state board of health or the department, as the case may be (not to exceed sixty days in the case of an individual household), if such proposal will, in such officer's or designee's or the department's judgment, comply with such rules and regulations and adequately prevent a public nuisance or hazard to public health. A certificate of exception granted under authority of this section shall be valid for the period established by the department, except that in the case of an individual household such period shall not exceed one year. The county health officer or his designee or the department shall notify the county commission or municipal governing body in writing of the intention to grant a certificate of exception and no such certificate of exception shall be granted for an individual household without prior written approval of the county commission or municipal governing body as the case may be. Any persons who have been laid off from their jobs shall be able to apply for a waiver to this bill while laid off.~~

"(2) The county commission or municipal governing body making available household solid waste collection services, directly or by contract, may by resolution or ordinance, establish a fee to each household for the service described in this subsection, and provide for the orderly collection of fees for such services under this article. Should the county commission or municipal governing body contract with a person to make such services available, the governing body shall approve the fee to be charged for the service described in this subsection and shall provide for the collection of such fee, including authorizing the contractor to be responsible for the collection of such fees. A county commission or municipality may establish periodic payment systems, purchase necessary supplies and materials, employ solid waste officers, and employ personnel necessary to effectuate a periodic payment system. A payment system for the periodic billing and collection of fees on behalf of the county or municipality or those providing the service on behalf of the county or municipality may be effected through negotiations with private or public entities or with one or more public or private utilities which provide services in the county or municipality. A county health department shall not bill or collect fees for a local household or commercial solid waste collection service. A county health department may, by contract with a

county or municipal governing body, agree to employ a person to serve as a solid waste officer. A county or municipality, or its designee, may enforce any lien or legal remedy authorized by this article against any person for delinquent payment. Where household solid waste collection services are made available by the holder of a household solid waste franchise granted by the county commission or municipal governing body, the county commission or municipal governing body may provide in the household solid waste franchise agreement for the initial rates to be charged by the holder of the franchise for the provision of household solid waste collection services and may also provide in the franchise agreement that all rate increases shall be approved in advance by the county commission or municipal governing body that granted the franchise. The county commission or municipal governing body shall be immune from liability for any actions or inactions taken by the holder of the franchise to provide household solid waste collection services.

"(3) It shall be unlawful for any owner of a household solid waste generating property to fail to participate in the county or municipal solid waste collection program, or to fail to pay the required collection and disposal fees, unless the owner has been granted an exception by the county or municipal governing body, obtained a permit from the board to transport its own waste to a solid waste management facility, or has obtained an exemption from the State Board of Health to contract with a public or private collector and transporter to perform such services where a system of house-to-house service is not provided by the county or municipality. Said owner shall be notified in writing of such failure to participate.

"(4) Upon failure to comply with the notice within 60 days, all necessary employees, representatives, contractors, holder of a franchise, or agents of the county or municipality may enter the private property of the delinquent person to provide solid waste collection and disposal services. The cost of those services, including any delinquent monthly fees, shall be rendered in an itemized report and shall constitute a special assessment against the property. The special assessment shall not be greater than the cost to the county or municipality for providing solid waste collection and disposal service and shall not exceed a total of 12 delinquent months. A copy of the report of costs shall be forwarded to the official charged with the assessment of county or municipal taxes who shall add the amount of the assessment to the next regular bill for taxes levied against the property for county or municipal purposes. The assessed amounts shall be collected at the same time and in the same manner as other county or municipal taxes, and shall be subject to the same penalties and the same procedure as provided for delinquent taxes.

"(5) Within 60 days from the date the notice is given, any person, firm, or corporation having an interest in the property may file a written request for hearing before the county commission or municipality stating any objections to the finding by the solid waste officer that the property owner has failed to comply with this article. The filing of the request for a hearing shall delay any action on the finding of the officer until a determination is made by the county commission or municipality. The hearing shall be held not less than 10 nor more than 60 days after the request is filed. If no hearing is timely requested, the county commission or

municipality shall, after the expiration of 60 days from the date of service of the notice, determine whether or not the owner has complied with this article. Notice that the county commission or municipality will meet to make a determination shall be published one time in a newspaper of general circulation in the county, not less than 10 days prior to the meeting. If the governing body determines that the property owner has not complied with this article, the county commission or municipality shall order the assessment.

"(6) Any person aggrieved by the decisions of the county commission or municipality may, within 30 days following the hearing, appeal to the circuit court upon filing with the court notice of the appeal and a security bond in the form and amount approved by the circuit clerk. Upon filing of the notice and the bond, the clerk shall serve a copy of the notice of appeal on the county or municipal clerk or administrator and the appeal shall be docketed in the court as a preferred case. The county or municipal clerk or administrator shall, upon receiving the notice, file with the circuit clerk a copy of the findings and determination of the county commission or municipality in the proceedings, and a trial shall then be held without a jury upon the determination of the county commission or municipality. Any party found guilty of the charge of not participating in the mandatory collection program and ensuring proper waste management shall be responsible for all attorney fees and court costs.

"(7) No county commission shall provide solid waste collection services within the corporate limits of a municipality without the express consent of the governing body of the municipality nor shall any municipality provide solid waste collection services outside its corporate limits without the express consent of the county commission of the county in which it provides services.

"(b) Collection of Other Solid Waste.

"Each generator of solid waste that is not subject to the solid waste collection program shall cause their solid waste to be collected and transported by the generator, its designee, or a public or private waste collector and transporter to a permitted solid waste management facility.

"(c) General Collection Provisions.

"(1) It shall be unlawful for any person collecting solid waste to knowingly transport the waste to a solid waste management facility that is not permitted to accept the waste.

"(2) It shall be unlawful for any generator of solid waste to allow or permit any collector of solid waste to knowingly collect any hazardous waste, or any other waste that is not permitted for management in a solid waste management facility.

"(3) Any provision of this article to the contrary notwithstanding, no person, household, business, industry, or other solid waste generating property owner shall be required to pay any solid waste collection or disposal fee chargeable

under this article unless solid waste collection services for which the charge was made were actually made available."

Section 6. Transportation.

(a) Except as set forth in subsection (b) of this section, any transporter of solid waste shall have a permit for such activity from the board. Vehicles used for collecting or transporting solid waste shall be covered, secured, or sealed so that there shall be no loss during transportation that causes littering of streets and highways, a nuisance, or a hazard to public health. The board may provide, by regulation, exemptions to the permitting requirements for solid waste collectors or transporters.

(b) No permit for collection or transportation of solid waste, excluding medical and hazardous waste, shall be issued unless financial assurance is posted by the collector or transporter with the board. The board shall promulgate regulations specifying the terms and conditions of financial assurance instruments, as appropriate. This section shall not apply to transportation of solid waste to a private solid waste management facility. Counties, municipalities, or instrumentalities thereof shall not be required to provide financial assurance to the board unless required by federal law or regulation.

(c) Any vehicle used for the purpose of collecting solid waste, recyclable materials, or recovered materials, notwithstanding any other provisions of law, may stop or stand on the road, street, or highway for the sole purpose of collecting solid waste, recyclable materials, or recovered materials, and shall maintain flashing hazard lights at all times when it is engaged in stopping or standing for the purpose stated.

Section 7. Solid Waste Management Facilities.

(a) Subject to the requirements set forth in this act and the law, each municipality or county may own or operate a solid waste management facility and establish the rates and fees applicable to the use of such facilities which it owns or operates.

(b) All solid waste management facilities, including, but not limited to, volume reduction plants, transfer stations, materials recovery facilities, or other facilities where the primary purpose is the storage, treatment, utilization, processing, recovery of materials from, or disposal of solid waste, shall be permitted by and comply with regulations promulgated by the department pursuant to this act. The regulations shall address construction, operation, and closure of those facilities. The department may, by regulation, exempt particular classes of facilities from the requirements to obtain a permit if the facilities are required to meet other applicable regulatory requirements.

(c) It shall be unlawful for any person to use or continue to use his or her land or improvements, or the land or improvements of any other person as a solid

waste management facility without first having obtained any permits required for the facility from the department as set forth in this act or any regulations promulgated thereunder. Notwithstanding the foregoing, this section shall not apply to the short-term storage of solid wastes which are to be used in the processing or manufacturing of new or refinished products to the extent that the solid wastes are stored at the site of processing or manufacturing of the new or refinished products and do not create a public nuisance or adversely affect human health or the environment.

(d) Permits issued pursuant to this section shall contain such conditions or requirements as are necessary to comply with the requirements of Article 1 and the regulations of the department.

(e) Each new solid waste disposal facility shall have a buffer zone surrounding the new facility, and each expansion of an existing solid waste disposal facility shall have a buffer zone for the expanded portion of the existing facility, and within its maximum designated acreage as required by regulations adopted pursuant to this act. The minimum width of such a buffer zone shall be determined by the department consistent with department regulations.

Section 8. Section 22-27-5, Code of Alabama 1975, is amended to read as follows:

"§22-27-5.

"(a) Fees, ~~etc.,~~ charges, mutual agreements or contracts. -- The county commission or municipality undertaking the responsibility for providing solid waste collecting, treatment, or disposal services to the public generators of solid waste under this article may establish fees, charges and rates and may collect and disburse funds within cooperating areas or districts, inside or outside county boundaries or the corporate limits of municipalities ~~or inside or outside of county boundaries,~~ for the specific purpose of administering this article and providing and operating, directly or by contract, a solid waste program.

"~~(b) Also, said A~~ county commission or public authority may enter into mutual agreements or contracts with the government governing bodies of other counties, municipalities, state agencies, corporations, or individuals, where deemed to be mutually economical and feasible, to jointly or individually collect, ~~haul and/or dispose of~~ transport, or manage solid wastes generated within the cooperating area. ~~All contracts or mutual agreements under this article shall be subject to review by the health officer, and all such contracts and agreements shall be subject to cancellation upon 30 days' notice from said health officer with the concurrence of the department, any time said contracts or agreements fail to be in the best interest of the health, safety and welfare of the citizens residing in the affected area.~~

"~~(b)~~(c) Private, public, or corporate agencies. -- Individuals, corporations, partnerships, public or private, or other agencies engaging in the collection,

~~transportation, or management, or any combination thereof, and disposal of solid wastes for the public generally or for a fee or other consideration are subject to this article. Governing County commissions and municipal governing bodies may assign household collection territories, for solid waste collection under contract with the county commission or municipal governing body approve or disapprove disposal sites, with the concurrence of the health department, and shall establish and collect annual license fees from such those firms and set maximum fee or rate schedules if a service fee is charged. In addition to any other approvals which are necessary for any contract between private or corporate agencies and governmental entities for the disposal of solid wastes, approval of the department shall be obtained.~~

~~"(e)(d) Permits and bonds. -- Under subsection (b) of this section, no No business license shall be granted to or fee collected by a private or public individual, corporation, partnership, or other private or public agency without a valid permit issued by the state or county health department, board for collection or transportation of solid waste, excluding medical waste and hazardous waste, or by the department where a permit is required by the department for solid waste management facilities according to the requirements of this article. renewable annually at the time licenses are due. Such The permit shall be based upon performance and may be revoked for cause, including, but not limited to, failure to perform under the provisions of this article and regulations adopted under authority of pursuant to this article. No business license shall be granted by a county commission or municipal governing body for household or commercial solid waste collection or transportation without the posting by the licensee of a performance bond in compliance with regulations promulgated by the board. satisfactory to the governing body. All solid wastes disposal sites except those which have certificates of expection shall have a permit from the department.~~

~~"(d) Financial assurance. -- No permit for transportation of garbage by out of state transporters, for disposal of such garbage in a sanitary landfill in this state, shall be issued unless financial assurance is posted by such transporter with the health department.~~

~~"The financial assurance shall be in an amount not less than \$250,000 and must guarantee that such garbage does not contain any regulated hazardous waste, infectious waste, or explosive materials or debris. The financial assurance shall be provided in accordance with acceptable financial assurance instruments which include but are not limited to an escrow account, performance bond, or letter of credit. The Health Department shall promulgate regulations specifying the terms and conditions of financial assurance instruments, as appropriate.~~

~~"(e) Nonpayment of fees, etc. or charges. -- Any county commission or municipality establishing fees, charges and rates pursuant to subsection (a) of this section shall have the power and authority to may adopt resolutions or ordinances providing that if the fees, charges, or rates for the services furnished by the county commission or municipality, or licensee of either, under the provisions of said chapter this article, shall not be paid within 30 days after the same shall become~~

becoming due and payable, ~~such~~ the county commission or municipality may, at the expiration of ~~such~~ the 30-day period, suspend ~~such~~ the services or ~~may~~ proceed to recover the amount of any ~~such~~ delinquency with interest in a civil action, or both."

Section 9. General Provisions.

(a) Solid Waste Management. Solid waste shall be collected, transported, managed, or any combination thereof, according to the requirements of Article 1 (commencing with Section 22-27-1), Chapter 27, Title 22, Code of Alabama 1975, and the regulations of the department and the board, and if disposed of in this state, shall be disposed in a permitted landfill or by permitted incineration, or reduced in volume through composting, materials recovery, or other existing or future means approved by and according to the regulations of the department.

(b) Hazardous Wastes. Hazardous wastes shall be managed in accordance with Sections 22-30-1 to 22-30-24, inclusive, Code of Alabama 1975, and the regulations promulgated pursuant to those sections.

(c) Unauthorized Dumps. The creation, contribution to, or operation of unauthorized dumps is declared to be a public nuisance per se, a menace to public health, and a violation of this act. In addition to other remedies which are available, the creation, contribution to, or operation of an unauthorized dump may be enjoined through an action in the circuit court having jurisdiction over the property on which the violation occurred. In addition to any fines, penalties, and other remedies set forth herein, any person who participates in the creation or operation of an unauthorized dump, shall be responsible for the removal or otherwise the closure of the unauthorized dump in accordance with this act and regulations of the department. If those who created, operated, or contributed to an unauthorized dump do not remove or close the unauthorized dump, the landowner shall also be responsible for the removal or otherwise the closure of the unauthorized dump; and an innocent and responsible landowner, as further defined by department regulations, shall have access to the Solid Waste Trust Fund. The landowner shall cooperate with local governments or the department in stopping unauthorized dumping and removing the waste or otherwise closing an unauthorized dump in accordance with this act, and where applicable, the regulations of the department. Innocent and responsible landowners who do not participate in the creation or operation of an unauthorized dump, and who have not contributed to the unauthorized dump shall not be liable for any fines, costs, actions, punishments, sanctions, or penalties under this act if they make application to the Solid Waste Trust Fund for funds and use such funds, if available, to remove the waste or otherwise close the unauthorized dump in accordance with this act and regulations of the department with reasonable diligence after written notice. If adequate funds are not available from the Solid Waste Trust Fund for that purpose, innocent and responsible landowners shall not be liable for applicable fines, penalties, and sanctions under this act if they fail to remove the waste or otherwise close the unauthorized dump with reasonable diligence after written

notice; provided, however, if innocent and responsible landowners fail to make an application for funds from the Solid Waste Trust Fund, they shall be liable for applicable fines, penalties, and sanctions under this act if they fail to remove the waste or otherwise close the unauthorized dump with reasonable diligence after written notice. It shall be unlawful for any person to fail to comply with an administrative order from the department or, unless excepted, to knowingly or intentionally abandon an unauthorized dump without either removing the waste or otherwise closing the unauthorized dump in accordance with Article 1 (commencing with Section 22-27-1), Chapter 27, Title 22, Code of Alabama 1975, as amended, and the regulations of the department. The sale or lease of land does not constitute an abandonment within the meaning of this section.

(d) Vermin Controls. Rodents and insects of public health importance, including, but not limited to, rats, flies, and mosquitoes, shall be controlled in a manner consistent with the regulations of the board, and the closing out or conversion to permitted landfill operations of existing unauthorized dumps shall, where deemed necessary by the health officer, be accompanied by an adequate rat eradication program to prevent the spread of rodents to nearby properties.

(e) Burning. Open burning at a solid waste management facility is prohibited except as necessary to respond to emergencies and pursuant to a restricted burning approval issued by the department. Approved open burning operations shall also comply with all applicable federal, state, and local air pollution control laws or regulations.

(f) Permitted Obligations. Permittees shall remain responsible for the compliance of permitted facilities with all applicable regulations notwithstanding the performance of compliance related duties by independent contractors or agents.

(g) Other Powers. No provision of Article 1 and no rule or regulation shall be construed to be a limitation on any of the following:

(1) The power of a municipality or county to declare, prohibit, or abate public nuisances; provided no municipality, county, solid waste authority may utilize or adopt definitions related to any of the subject or activities contained within Article 1, which are not consistent with the definitions contained in Section 22-27-2, Code of Alabama 1975, as may be amended from time to time.

(2) The power of the Attorney General to bring an action in the name of the State of Alabama to enforce Article 1, including, but not limited to, seeking to enjoin any public nuisance.

(3) The power of any state agency in the enforcement or administration of any law it is specifically permitted or required to enforce or administer.

(4) The right of any person to maintain at any time any appropriate action for relief against any private nuisance.

(h) Other Remedies. Nothing contained in Article 1 shall be construed in any way to abridge or alter civil or criminal rights of action or remedies now or hereafter existing. No provision of Article 1, or the granting of any permit under the article, or any act done by virtue of the article, shall be construed as prohibiting the state, counties, municipalities, or its citizens in the exercise of their rights from proceeding to suppress public nuisances, to abate any pollution now or hereafter existing, or to enforce any law.

Section 10. Penalties.

(a) Any violation of Article 1, any rule or regulation promulgated under the authority of Article 1, any order issued under the authority, or any term or condition of any permit issued under the authority of Article 1 (commencing with Section 22-27-1), Chapter 27, Title 22, Code of Alabama 1975, is unlawful. In addition to any penalties lawfully assessed, any person committing a violation shall be liable for all the costs of abatement of any pollution and correction of any public nuisance caused by the violation.

(b) The department may issue administrative orders under Section 22-22A-5, Code of Alabama 1975, or initiate civil actions, or both, as it deems necessary against any person in the enforcement of Article 1, or any regulation promulgated or permit issued under the authority of Article 1.

(c) In addition to any other remedies provided in Article 1, the department or the board may institute suit against any person for a violation of law or, whenever a public nuisance is threatened or exists, for an injunction to restrain a violation of the article, or the rules, regulations, standards, or orders adopted or issued under Article 1.

(d) In addition to any other remedies provided in Article 1, upon recommendation of the Attorney General or any district attorney, an action may be brought in a court of competent jurisdiction for an injunction to restrain any and all violations of Article 1, or the rules and regulations promulgated under the article, or to restrain any public nuisance or detriment to public health.

(e) Any person, who intentionally or knowingly, recklessly, or with criminal negligence violates Article 1, or any rule, regulation, or order promulgated or issued under the article, or any term or condition of any permit or license under such circumstances as to endanger human health or the environment shall, upon conviction, be guilty of a misdemeanor and shall pay a fine of not less than one hundred dollars (\$100) nor more than twenty-five thousand dollars (\$25,000) for each violation, or imprisonment for not more than one year, or both. A person who violates this article within two years after a former conviction for violation thereof, may be charged with a misdemeanor for such new violation or violations, upon conviction of which such person shall be sentenced to pay a fine of not less than two thousand five hundred dollars (\$2,500) nor more than fifty thousand dollars (\$50,000) for each such violation, or to imprisonment for not more than one year, or both. If the violation, failure, or refusal to obey or comply with Article 1, or the

rule or regulation is a continuing one, each day the violation continues shall constitute a separate offense and shall be punished accordingly.

(f) Other than administrative orders and notices issued by the department or the board to enforce Article 1, all citations to violators of Article 1 shall be served by any law enforcement officer or by the solid waste officer.

Section 11. The Department of Environmental Management may do the following:

(1) Adopt rules and regulations to implement Article 1 (commencing with Section 22-27-1), Chapter 27, Title 22, Code of Alabama 1975.

(2) Adopt regulations establishing requirements and restrictions for the management of solid waste, excluding collection and transportation. The regulations may include factors such as the characteristics of the solid waste, the potential for contamination of soils, or ground and surface waters, the design and operation of management facilities, the financial capabilities of the applicant, soil and geological considerations, human health, and other environmental considerations. The department may condition the issuance of a permit for any solid waste management facility upon the facility being consistent with applicable regulations as are necessary to carry out the intent of this act and the department's responsibilities under Article 1. Permits shall be issued for a period of time based on design life of the facility with renewal periods as determined by such regulations and not inconsistent with federal law or regulations.

(3) Issue permits, notices, and orders, to specify the terms and conditions of permits or notices, to conduct inspections, to require that records be established and maintained, to direct the abatement of unauthorized dumps or other public nuisances involving solid waste, and to implement the rules, regulations, and standards adopted pursuant to Article 1.

(4) Require upon closure that general information including the specific location within the property boundaries of solid waste disposal facilities whether permitted or unauthorized, be recorded in the deed book at the office of the judge of probate or other recorder of deeds in the county or counties in which the land to be affected is situated and to require that the department have access to the site during the operation of the facility and for a minimum of 20 years after closure of the facility for the purpose of such inspection, prevention, and correction activities that the department deems necessary. Recording in the deed book or access to property is not required for solid waste disposal facilities where all solid waste and contamination caused by the solid waste has been removed or where exempted by regulation.

(5) Enter upon, during reasonable hours, all solid waste management facilities owned or operated by persons subject to Chapter 27, Title 22, Code of Alabama 1975, to inspect, investigate, obtain samples, monitor, or observe the transfer, treatment, storage, or disposal of solid waste, and to examine or copy

records to determine compliance with Article 1 and the rules and regulations promulgated under Article 1.

(6) Require, not later than January 1, 1996, measuring or weighing devices at public solid waste disposal facilities or incineration facilities accepting off-site solid waste in excess of 20 tons per day on a monthly average for a fee or other consideration as designated by the department in rulemaking. In no event shall the department require measuring or weighing devices at private solid waste disposal facilities, landfills, or incinerators operated by permittees and accepting only waste generated by the permittee at a facility which is not a public solid waste disposal facility.

(7) No later than two years after the effective date of this act, require that operators of all public solid waste management facilities accepting waste not generated on-site be certified. The department shall, by regulation, establish qualification for certification programs, to include variance procedures for existing programs which meet the qualifications and taking into account the types of solid waste management facilities.

(8) Promote, initiate, conduct, and support research, demonstration projects, and investigations, and participate in all state agency research programs pertaining to solid waste handling, disposal, materials recovery, and energy recovery systems.

(9) Promulgate regulations, if necessary, to ban certain wastes from landfilling or incineration in order to protect the public health and environment.

(10) Regulate the management including collection and transportation of all medical waste, until such time as the United States Environmental Protection Agency establishes specific regulations which are applicable within the state, for infectious waste under Subtitle J of the federal Resource Conservation and Recovery Act of 1976, 42 USC 6901, et seq., as amended.

(11) Do any and all other acts not inconsistent with this act or other state law, which it deems necessary and proper for the effective enforcement of this act and the rules and regulations promulgated pursuant to it.

Section 12. The board may do the following:

(1) Adopt rules and regulations to implement its responsibilities under Article 1 (commencing with Section 22-27-1), Chapter 27, Title 22, Code of Alabama 1975.

(2) Adopt regulations establishing requirements and restrictions for collection and transport of solid waste, excluding medical waste and hazardous waste. The board may condition the issuance of a permit for solid waste collection or transport consistent with applicable regulations as may be necessary to carry out the intent of this act and the board's responsibilities under Article 1.

(3) Adopt regulations which establish the maximum period for which permits and renewals of permits may be issued, the procedures and conditions governing revocation and renewal or reissuance of a permit, the procedure available to permittees in the event of a revocation or failure to renew or reissue.

Section 13. Search Warrants. The department, the board, or an authorized representative of the department or the board or any solid waste officer, may apply for, and any judge of a court of record may issue, an appropriate search warrant necessary to achieve the purposes of this act within the court's territorial jurisdiction. The warrant shall be issued upon probable cause.

Section 14. Discovery Period. Notwithstanding any other law to the contrary, actions to correct any violation of this act, the rules and regulations promulgated under this act, or for civil or criminal penalties under this act, shall be commenced within a period of four years from the date the offense is discovered, by the department or other enforcing agency or person.

Section 15. Financial Assurance.

(a) All persons having or requesting a permit for, or operating, a solid waste management facility shall provide evidence of financial responsibility for the proper operation, maintenance, closure, any necessary post-closure care of the facility whether before or after closure in the form and amount the department specifies by rule or regulation. The department may, by regulation, exempt the material recovery portion of a solid waste management facility from the requirement for financial assurance. However, the requirement to provide evidence of financial responsibility shall only be imposed on private solid waste management facilities and public solid waste management facilities operated by county commissions, municipalities, or instrumentalities thereof when required by federal law or regulations.

(b) Both owners and operators of facilities are individually responsible to provide evidence of financial responsibility as required in this section. However, nothing shall prevent owners and operators of the same facility for jointly providing evidence of financial responsibility required by this section. Evidence of financial assurance may be provided by those financial instruments as defined by the department. Any financial mechanism used shall clearly demonstrate that the owner or operator has sufficient financial resources as required by regulation of the department. The financial assurance mechanism shall be provided in the manner and maintained for the period of time financial assurance is required pursuant to regulation of the department. Financial requirements of this section shall be consistently applied to both public and private owners and operators.

(c) No solid waste management facility shall be operated or maintained unless all required financial responsibility documents and evidence are in existence and fully funded to the appropriate levels established by the regulations of the department. The financial assurance mechanism shall be maintained for the life of the solid waste management facility and for a period not less than 20 years

after closure, in the case of disposal facilities where solid waste remains. The department may extend post-closure care periods for any longer term necessary to protect human health or the environment, or if the extension is necessary to meet the requirements of federal law.

Section 16. Recyclable Materials Exemption. Notwithstanding any other law, or any provision of Article 1 to the contrary, a generator of recovered materials owns those materials until such time as the generator may voluntarily relinquish ownership of those materials. The generator may not be prohibited from selling, conveying, or arranging for the transportation of recovered materials to a recycler or recovered materials processing facility for reuse or recycling, nor may a recycling company, recovered materials processing facility, or nonprofit entity be restricted or prevented from buying, accepting, collecting, or transporting recovered materials from a buy-back center, drop-box, or from any generator of recovered materials.

Section 17. Plastic Container Marking.

(a) On or after July 1, 1996, no person shall distribute, sell, or expose for sale in this state any rigid plastic container product unless the product has a molded label indicating the plastic resin used to produce the plastic container product. All rigid containers of less than eight ounces or bottles having capacity of less than 16 ounces shall not be required to be labeled under this section.

(b) The department shall establish, by regulation, a method for marking plastics, including a listing of codes to identify the product's plastic resin content, consistent with resin codes established by the Society of the Plastics Industry.

Section 18. Solid Waste Fee.

(a) Beginning on January 1, 1996, all owners and operators of public solid waste disposal facilities, and public incineration facilities accepting solid waste generated by someone other than the owner or operator, shall collect from each user of a facility a fee of one dollar (\$1) for each ton, or fraction thereof, of solid waste disposed or incinerated at such facility, excluding daily and permanent cover materials at disposal sites and ash which was generated at a public solid waste incinerator located in the state. The department may by regulation exclude byproducts generated during scrap processing and recycling at a recovered materials processing facility. In the event a facility is owned by someone other than the operator, it shall be the obligation of the owner to submit fees in the event the operator fails to do so. The fees shall be paid monthly to the Department of Revenue and the owner or operator shall certify to the Department of Revenue the volumes of solid waste received for disposal or incineration. The fee imposed herein shall be assessed in addition to any other fees or charges for disposal or incineration services which are imposed.

(b) All fees levied under this act shall be paid to the State Department of Revenue no later than the twentieth day of the month next following receipt of any

solid waste for disposal. Any person who fails to pay the fee herein levied within the time required shall pay, in addition to any fees, a penalty of 10 percent of the amount of the fee due, together with interest thereon at the annual rate prescribed under Section 40-1-44, from the date which the fee became due and payable. The penalty and interest shall be assessed and collected as part of the fee itself.

(c) If no fee as defined herein is due from any person covered by the provisions of this act, that person nevertheless shall be required to submit the monthly reports as required herein; failure to submit the monthly reports may result in the assessment of a penalty by the Department of Revenue in an amount not to exceed \$250.00.

(d) Any person covered by the provisions of this act who willfully renders a false or fraudulent report, shall be assessed by the Department of Revenue a penalty of 50 percent of the total amount of the fees due.

(e) The fee, together with interest and penalties imposed by this act, shall be a lien upon the property of the person who is subject to the provisions of this act. The provisions of the revenue laws of the State of Alabama applying to liens shall apply fully to the fees herein levied.

(f) The monthly report required by this section shall be sworn to before an officer authorized to administer oaths, and any false or fraudulent statement to a material fact made with an intent to defraud shall constitute perjury, and upon conviction thereof the person so convicted shall be punished as provided by law.

(g)(1) Any person operating a commercial site for the disposal of solid waste shall maintain written records of all solid waste received for disposal at the site and all waste disposed of at the site. The records shall contain:

a. The names and addresses of all persons transporting and delivering solid waste or substances to the facility.

b. The names and locations of all persons from whence the waste was produced or generated.

c. The quantity of waste received by a commercial solid waste facility.

d. The date of deliver.

e. Any additional information as the Commissioner of Revenue or Director of the Department of Environmental Management may require for the proper administration and enforcement of the provisions of this act.

(2) The records required under this section shall be subject to the provisions of Sections 40-2A-7 and 40-2A-10.

(3) Any person operating a solid waste disposal site who shall fail to maintain the records, or in any manner shall cause the falsification of records with an intent to defraud, may be found guilty of a Class C misdemeanor and punished as provided by law.

(h) The Commissioner of Revenue shall have the authority to develop and promulgate reasonable rules and regulations as needed to administer the fee provisions of this act.

(i) All persons collecting the solid waste fee established under this act may retain two percent of the total solid waste fees collected as an administrative collection allowance. However, anyone failing to remit the fee imposed herein on a timely basis shall no longer be entitled to retain the two percent administrative collection allowance.

(j) The Department of Revenue shall deposit with the State Treasurer each month all funds collected pursuant to this act for distribution as follows:

(1) Forty-two and one-half percent of the total funds collected to the Solid Waste Trust Fund to be used by the department as follows:

a. Fifty percent of the Solid Waste Trust Fund to fund remediation of unauthorized dumps and landfills, including applications by innocent, responsible landowners as provided above. The funds shall be disbursed according to regulations adopted by the department. The state shall not be a party to contracts established between a landowner and a person retained to perform investigatory, clean-up and/or closure work, and nothing in this act shall be construed as a state contract. It is expressly manifest that these are not state contracts and are expressly exempt from any competitive bid laws.

b. Fifty percent of the Solid Waste Trust Fund to aid economically deprived counties based upon per capita income to be used by county commissions in implementing or maintaining, or both, the public participation program. The department shall by rule establish a formula to determine counties qualifying for available funds.

(2) Forty-two and one-half percent of the total funds collected to the Alabama Department of Environmental Management to be used exclusively to pay the costs of the department for performing its duties under this act and fund educational programs administered by the department on solid waste management, waste minimization, and recycling.

(3) Fifteen percent of the total fee to the Alabama Legacy for Environmental Research Trust (ALERT) as provided for in Section 22-30B-19, Code of Alabama 1975, to be used in matching fund grants for environmental research, public awareness, and industrial/business environmental education in the area of household hazardous waste production, reduction, transportation, and disposal.

Section 19. (a) There is established a separate special revenue trust fund in the State Treasury to be known as the Solid Waste Trust Fund. This fund shall be used for the purposes set forth in this act and for no other purposes, nor shall any portion hereof ever be available to borrow from by any branch of government; it being the intent of the Legislature that this fund and its increments shall remain intact and inviolate for the purposes set out in this act. The fund shall receive all funds appropriated by the Legislature or otherwise directed by the Legislature; contributions and grants from public and private sources; and 40 percent of the funds generated by the solid waste fee imposed on the disposal or incineration of solid waste at public solid waste disposal or incineration facilities pursuant to Section 18 of the act adding this section. Such funds shall be disbursed only by warrant of the State Comptroller upon the State Treasurer, upon itemized vouchers approved by the director of the department; provided that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Sections 41-4-80 to 41-4-96, inclusive, and 41-19-12, Code of Alabama 1975, and only in amounts as stipulated in the general appropriations bill or other appropriation bills.

(b) Nothing in this act shall establish or create any liability or responsibility on the part of the department or the State of Alabama to pay any investigatory, clean-up, or closure costs from any source other than the fund created by this act, nor shall the department or the State of Alabama have any liability or responsibility to make any payments for such costs if the fund created herein is insufficient to do so. In the event the fund is insufficient to make the payments at the time the application is filed, such applications shall be paid in the order of filing at such time as moneys are paid into the fund.

(c) The fund shall be audited annually by the Department of Examiners of Public Accounts and the department shall make available to the public the results of that audit.

(d) The department shall make available to the public a detailed report of all funds expended in the performance of their duties under this act within 120 days after the end of each fiscal year.

(e) No portion of the sums appropriated by this section shall be used to pay salaries.

Section 20. There is appropriated from the solid waste fee imposed on the disposal or incineration of solid waste at public solid waste disposal or incineration facilities pursuant to Section 18 of the act adding this section for the fiscal year ending September 30, 1996, the following sums:

(1) Forty percent of the total solid waste fee collected to the Solid Waste Trust Fund.

(2) Forty percent of the total solid waste fee collected to the Alabama Department of Environmental Management.

(3) Three percent of the solid waste fee collected to the Department of Revenue.

Section 21. Confidentiality of Information Obtained by the Department or the Board.

(a) Any information relating to secret processes, devices, or methods of other compiled listings or customers and associated waste streams or quantities and sources of recovered materials being accepted, purchased, or processed by a private individual, partnership, or corporation, obtained by the department or the board in the performance of its duties under departmental administrative regulations and not required to be made public under state or federal law or regulation shall be kept confidential.

(b) In the event that a person's employment with the department terminates for any reason, the confidentiality requirement outlined in subsection (a) of this section shall continue to apply to the person.

Section 22. Section 22-27-48, Code of Alabama 1975, is amended to read as follows:

"§22-27-48.

"(a) Governing Body Responsibilities. In addition to any regulatory bodies, the governing body of a county or municipality has a responsibility for and the authority to assure the proper management of solid wastes generated within its jurisdiction in accord with its solid waste management plan. A governing body having or participating in an approved plan may assign territories and approve or disapprove: (1) disposal sites for the location of new solid waste facilities of the type listed in subsection (c); and (2) the types of permit modifications set forth in subsection (b), in its jurisdiction in accord with the plan approved for its jurisdiction. Such The approval or disapproval of services or activities described in the ~~local plan~~ shall be prerequisite, and in addition to any other approvals required from other regulatory authorities and shall be made prior to any other approvals necessary for the ~~provision of such services~~, the development of a proposed solid waste facility of the type listed in subsection (c) or the modification of permits for existing solid waste facilities of the type listed in subsection (b). ~~The department may not consider an application for a new or modified permit for a facility unless such application has received approval by the affected unit of local government having an approved plan.~~ The department may not consider an application for a permit for a new disposal or treatment facility unless such application has received approval by the affected unit of local government.

"In determining whether to recommend approval of the ~~proposed issuance of or modification of a new or existing location of a new~~ solid waste management site facility of the type listed in subsection (c), or the modification of the type listed in subsection (b) of permits for existing solid waste facilities, the governing body shall consider each of the following:

"(1) The consistency of the proposal with the jurisdiction's solid waste management need needs as identified in its plan.

"(2) The relationship of the proposal to local planned or existing development or the absence thereof, to major transportation arteries and to existing state primary and secondary roads;_

"(3) The location of a proposed solid waste facility in relationship to existing industries in the state that generate large volumes of solid waste, or the relationship to the areas projected for development of industries that will generate solid waste;_

"(4) Costs and availability of public services, facilities, and improvements required to support a proposed solid waste facility and protect public health, safety, and the environment;_

"(5) The impact of a proposed solid waste facility on public safety and provisions made to minimize the impact on public health and safety; and_

"(6) The social and economic impacts of a proposed solid waste facility on the affected community, including changes in property values, and social or community perception.

~~"The application of the plan for local approval shall not apply to simple renewals of a permit which is to be otherwise unchanged. Further, there shall be no requirement for local review and approval of permit modifications for the limited purposes of changing liner and leachate collection design, changes in waste streams from within the facility's designated service area, changes in sequence of fill, changes to incorporate new technology and changes intended to bring a facility into compliance with statutes and regulations.~~

"Any local approval of the type of permit modification listed in subsection (b) or local approval of the site for those types of ~~determination by the local governing body of the proposed issuance of or modification of a permit for a new or existing~~ new solid waste management site facility as listed in subsection (c) or the proposal to contract for any services described in the solid waste management plan, shall be made in a public meeting only after public notice of ~~such~~ the application or proposal and an opportunity for public comment is provided.

"In providing public notice of such any application or proposal ~~regarding any services described in the solid waste management plan,~~ the local government governing body shall at a minimum hold at least one public hearing thereon, giving notice of the time and place of the hearing ~~which shall be given~~ by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the jurisdiction. ~~Furthermore, such~~ The notice shall be given at least 30 days but not more than 45 days prior to the proposed date of ~~said the~~ hearing. Each notice published in compliance with this section shall contain at a minimum a description of the proposed action to be considered, its relevance to and consis-

tency with the local solid waste management plan, and shall identify a contact person from whom interested persons can may obtain additional information and can may review copies of both the local plan and the application or proposal to be considered. All pertinent documents shall be available for inspection during normal business hours at a location readily accessible to the public. Within 15 days of receiving an application or proposal for a solid waste facility, as listed in subsection (c), the governing body shall provide public notice of the application or proposal in a newspaper of general circulation in the municipality and in the official gazette, if any, of the jurisdiction. Within 90 days of receiving an application or proposal for a solid waste facility as listed in subsection (c), the ~~local~~ governing body shall either approve the application or deny the application setting forth the its reasons therefor. The failure of the ~~local~~ governing body to act on the proposal within 90 days of receiving the application or proposal for a solid waste facility, as listed in subsection (c), shall constitute approval by said the ~~local~~ governing body.

~~"(b) Following local review and approval of any proposal regarding services or activities described in the local solid waste management plan, the applicant shall obtain a statement of consistency from the regional planning and development commission. Therein, the said commission shall evaluate the proposal using the provisions of the current regional solid waste management needs assessment. In particular, the regional commission shall evaluate the proposal as it relates to available existing capacity within the region and the projected lifetime of such capacity. The evaluation shall also identify any proposed capacity which is in excess of expected regional needs. No statement of consistency shall be required for contracts exclusively for the collection or transportation of solid wastes.~~

~~"(e)(b) Exemptions. The implementation of plans required by this section shall not apply to industrial landfills receiving wastes generated on-site only by the permittee. The application of the plan and local approval shall not apply to simple renewals of a permit that is to be otherwise unchanged. Further, the requirement for local review and approval of permit modifications shall be required only for any proposal by an industrial landfill or construction or demolition landfill to accept household waste from the public generally.~~

"(c) The following facilities only, shall be subject to the provisions of this section:

"(1) Public solid waste disposal or incineration facilities.

"(2) Any facility engaged in the bioremediation of soils generated off-site, excluding soils contaminated solely with petroleum products.

"(3) Any medical waste treatment facilities accepting waste from the public generally or for a fee."

Section 23. Notwithstanding any other provisions of this act, the State Solid Waste Plan and any revisions to the plan shall be adopted by the commission at a regularly scheduled commission meeting.

Section 24. The Department of Revenue is hereby appropriated from the fees collected pursuant to this act \$95,000 to cover its expenses in implementing and administering the provisions of this act for the fiscal year ending September 30, 1996.

Section 25. For each fiscal year, following the fiscal year ending September 30, 1996, the Department of Revenue shall be appropriated from the fees collected pursuant to this act that amount of money determined to be necessary for the collection and enforcement of the fee levied herein.

Section 26. All laws or parts of law, including, but not limited to, Sections 22-27-4, 22-27-6, and 22-27-7, Code of Alabama 1975, are repealed.

Section 27. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 11.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, Minnifield, Mitchell, Moore, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Seibenhener, Spratt, Thomas (D), Townsend, Turner, Turnham, Warren, White and Willis.

-67

Nay:

Representatives Bandy, Hilliard, Holmes, Johnson (R), McKee, McMillan, Millican, Morrison, Penry, Sims and Smith.

-11

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Dean abstained from voting due to a possible conflict of interest on all votes relating to the bill, H. 535.

AMENDMENT OFFERED

Representative Knight (A) offered the following amendment #1 to the bill, H. 535, as amended:

On Page 43, lines 15 and 16, delete the words ~~the circuit~~ and insert in lieu thereof the word: a

On Page 43, line 16, delete the word ~~having~~ and insert in lieu thereof the words: of competent

On Page 43, lines 15 and 16, delete the words ~~over the property on which the violation occurred~~

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 69; Nays 3.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Minnifield, Mitchell, Moore, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Turner, Warren, White, Willis and Wren.

-69

Nay:

Representatives Hall (L), Morrison and Sims.

- 3

AMENDMENT OFFERED

Representative Knight (A) offered the following amendment #2 to the bill, H. 535, as amended:

On Page 35, line 16 after the word "facility" insert the following sentence: "Nothing in this Act shall prohibit municipalities and counties from the collection of other solid waste."

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 72; Nays 2.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Warren, White, Willis and Wren.

-72

Nay:

Representatives Hall (L) and Sims.

- 2

AMENDMENT OFFERED

Representative Knight (A) offered the following amendment #3 to the bill, H. 535, as amended:

On Page 51, line 14 after the word "rulemaking." insert the following sentence: "If measuring or weighing devices are not installed, whether or not required, public solid waste disposal facilities or incineration facilities shall convert volumes of solid waste to tons using conversion factors determined by Department regulations."

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 74; Nays 3.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Dolbare, Dukes, Flowers, Gaines, Galliher,

Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Warren, White, Willis and Wren.

-74

Nay:

Representatives Houston, Rogers (J) and Sims.

- 3

AMENDMENT OFFERED

Representative Knight (A) offered the following amendment #4 to the bill, H. 535, as amended:

Amend H. 535 On Page 11, line 3, by inserting the following new subsection (14) and renumber the remaining subsections accordingly:

"(14) FLOW CONTROL. The movement of solid waste or voluntarily relinquished recyclable material and direction of such solid waste or voluntarily relinquished recyclable material to a designated waste management facility or facility for recyclable material, as allowed by federal law.

On 70, line 11, insert the following new Section 27 and renumber the remaining sections accordingly:

"Section 27. Nothing in this act shall prohibit units of government from exercising flow control as allowed by federal law."

AMENDMENT ADOPTED

And the amendment #4 was adopted.

Yeas 67; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Haney, Hawk, Hawkins,

Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McClammy, McDaniel, McKee, Moore, Morrow, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Smith, Thomas (D), Townsend, Turner, Turnham, Willis and Wren.

-67

Nay:

Representative Sims.

- 1

AMENDMENT OFFERED

Representative Lindsey offered the following amendment to the bill, H. 535, as amended:

Amend House Bill 535 on page 69 by striking lines 8, 9, and 10 and inserting in lieu thereof the following: only for any of the following modifications:

"(1) Any increase in the permitted service area for the type of facility listed in subsection (c).

"(2) Any increase in the permitted average daily volume for the type of facility listed in subsection (c).

"(3) Any proposal by an industrial landfill or construction or demolition landfill to accept household waste.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Papucci, Parker (P),

Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Warren, White, Willis and Wren.

-81

AMENDMENT OFFERED

Representative Dukes offered the following amendment to the bill, H. 535, as amended:

On page 63, line 16 to 26, inclusive, and on page 64, lines 1 to 4, delete all the language in Section 21 and insert in lieu thereof the following new Section 21:

Section 21. confidentiality of Information Obtained by the Department or the Board.

No information concerning processes, devices, or methods protectible by law as trade secrets nor any compiled listing of customers and associated waste streams; nor any information about quantities or sources of recovered materials being accepted, purchased, or processed, which information has been obtained from any individual, private business entity, or from any county, municipality or public solid waste authority, by the department or the board in the performance of its duties under departmental administrative regulations, shall be disclosed to any person, firm, corporation, or other business or government entity or authority outside the department or the board, any other state law to the contrary notwithstanding.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 8.

Yea:

Representatives Allen, Black (M), Burke, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Graham, Hamilton, Haney, Hawkins, Hayden, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Lindsey, McAdory, McClammy, McKee, Millican, Minnifield, Morrow, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Townsend, Turnham, Warren, White, Willis and Wren.

-59

Nay:

Representatives Gaston, Guin, Hill, Knight (A), Letson, Moore, Morrison and Thomas (D).

- 8

AMENDMENT OFFERED

Representative Haney offered the following amendment to the bill, H. 535, as amended:

On page 23, line 6, after "(1)" delete the following word: "Household"

On page 23, line 7, after the word "of" delete the following word: "household"

On page 23, line 14, delete the following word: "household"

On page 23, line 16, after the word "private" delete the following word: "household"

On page 23, line 19, after the article "a", delete the following word: "household"

On page 23, line 21, after the word "provide" delete the following word: "household"

On page 24, line 11, after the article "a" delete the following word: "household"

On page 24, line 14, after the language "in," delete the following word: "household"

On page 26, line 1, after the word "of" delete the language "household" and insert in lieu thereof: ~~household~~

On page 26, line 14, after the word "of" delete the following word: "household"

On page 26, line 18, after the word "of" delete the following word: "household"

On page 30, line 25, after the word "available" delete the following word: "household"

On page 31, line 1, after the word "fee" delete the following words: "to each household"

On page 31, line 26, after the word "where" delete the following word: "household"

On page 32, line 1, after the article "a" delete the following word: "household"

On page 32, line 4, after the article "the" delete the following word: "household"

On page 32, line 6, after the word "of" delete the following word: "household"

On page 32, line 13, delete the following word: "household"

On page 32, line 15, delete the following word: "household"

On page 39, line 16, after the word "or" insert the following word: indirectly

On page 39, line 16, after the word "contract" insert the following words: or franchise

On page 39, line 17, after the word "commission" insert the following: 1 municipality,

On page 40, line 13, delete the following word: "household"

On page 40, line 13, after the word "territories" strike the following: 7

On page 40, lines 15 and 16, after the word "body" delete the language "~~approve or disapprove disposal sites, with the concurrence of the health department;~~" and insert the following: 1 approve or disapprove disposal sites, with the concurrence of the health department,

On page 56, line 2, after the word "nor" insert the following: 1 provided a business license is first obtained from the applicable county or municipality,

On page 67, line 14, after the word "law" insert the following: inconsistent herewith

On page 67, line 16, after the "period" insert the following: Provided however, that existing power of cities, towns, or counties, to approve or disapprove of disposal sites with respect to waste occurring within their respective jurisdictions, and thus to thereby direct the "flow" of the waste when disposed, is specifically saved and excepted from this act, except that such power shall not be exercised in a manner inconsistent with the Commerce Clause of the United

States Constitution, or inconsistent with the laws of the United States adopted pursuant to the Commerce Clause.

AMENDMENT TABLED

On motion of Representative Knight (A), the amendment offered by Representative Haney to the bill, H. 535, as amended, was tabled.

Yeas 41; Nays 30.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Carter, Clark (W), Collins, Crigler, Dolbare, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hawk, Hawkins, Hayden, Hill, Hogan, Hooper, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McKee, Minnifield, Moore, Morrow, Murphree, Parker (P), Parker (T), Rogers (M), Thomas (D), Turner and Wren.

-41

Nay:

Representatives Baker, Clouse, Curry, Dukes, Flowers, Hall (L), Haney, Hinshaw, Houston, McAdory, McDaniel, McMillan, Morrison, Newton (C), Newton (D), Papucci, Payne, Penry, Petelos, Pringle, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Townsend, Turnham, Warren, White and Willis.

-30

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Jorgensen inadvertently voted "Yea" and intended to vote "Nay" on the motion offered by Representative Knight (A) to table the amendment offered by Representative Haney to the bill, H. 535, as amended.

MOTION TO CARRY OVER TABLED

On motion of Representative Knight (A), the motion offered by Representative Haney to carry over the bill, H. 535, as amended, to the twenty-second legislative day was tabled.

Yeas 38; Nays 37.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carter, Clark (W), Collins, Crigler, Dolbare, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hawk, Hawkins, Hayden, Hill, Hogan, Holmes, Hooper, Johnson (E), Jorgensen, Knight (A), Layson, Letson, Lindsey, Minnifield, Moore, Murphree, Parker (T), Perdue, Rogers (M), Smith, Thomas (D) and Turner.

-38

Nay:

Representatives Baker, Carothers, Clouse, Curry, Flowers, Graham, Hall (L), Haney, Hinshaw, Houston, Johnson (R), McAdory, McKee, McMillan, Millican, Morrison, Morrow, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Townsend, Turnham, Warren, White, Willis and Wren.

-37

H. 535 CARRIED OVER

On motion of Representative Haney, the bill, H. 535, as amended, was carried over to the twenty-first legislative day.

Yeas 56; Nays 27.

Yea:

Representatives Black (L), Cams, Carothers, Clouse, Crigler, Curry, Dukes, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Haney, Hayden, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, McAdory, McKee, McMillan, Millican, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

-56

Nay:

Representatives Allen, Baker, Black (M), Box, Burke, Carter, Clark (W), Collins, Dolbare, Ford, Gaines, Guin, Hawk, Hawkins, Hill, Hooper, Johnson (E), Knight (A), Letson, Lindsey, Minnifield, Moore, Newton (C), Parker (T), Rogers (M), Thomas (D) and Turner.

-27

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 666, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, McAdory, McClammy, McKee, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Warren, White, Willis and Wren.

-78

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 73. Relating to Etowah County; levying a sales and use tax effective January 1, 1996, replacing the existing sales and use tax which expires on December 31, 1995; for the purposes of public education, public safety, and community development, providing that the county tax shall be administered, enforced, and collected as provided by law by Etowah County; providing for enforcement penalties; providing for the disposition of the proceeds of the revenue raised from the county tax; and establishing the Etowah County Community Development Committee and the Etowah County Library Committee.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Ford, the House concurred in and adopted the Senate amendment to the bill, H. 73, said Senate amendment being as follows:

On page 1, line 36, delete the language "~~shall~~ may" and insert in lieu thereof: shall

On page 3, line 4, delete the language "Ten" and insert in lieu thereof: Nine

On page 3, line 8, delete the language "Two" and insert in lieu thereof: Three

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

-82

H. 666 TAKEN UP

And the bill:

H. 666. (With Substitute): Relating to Marengo County; to amend Section 2 of Act No. 19, H. 227 of the 1978 Regular Session (Acts 1978, p. 84), providing that the compensation of deputies of the Marengo County Sheriff's Department would be based on the compensation of state troopers; to further provide that the compensation of the deputies would include cost-of-living raises received by state troopers.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to Marengo County; to amend Section 2 of Act No. 19, H. 227 of

the 1978 Regular Session (Acts 1978, p. 84), providing that the compensation of deputies of the Marengo County Sheriff's Department would be based on the compensation of state troopers; to provide that the compensation of the deputies would include cost-of-living raises received by state troopers; and to further provide that the county commission would have authority to approve or disapprove increases in compensation based on the availability of funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 2 of Act No. 19, H. 227 of the 1978 Regular Session (Acts 1978, p. 84), is amended to read as follows:

"Section 2. (a) The deputies shall receive the same compensation as a trooper with the Alabama Department of Public Safety and the compensation shall be adjusted on the anniversary date of the deputies' employment to include any raises, including cost-of-living raises that state troopers receive after the enactment of this act or have received at the beginning of this fiscal year. The deputies shall be placed in the same step bracket as a trooper with the same length of service and shall automatically receive step raises according to their length of service. It shall be the responsibility of the Sheriff to provide the Clerk of the County Commission with a trooper pay scale chart and to keep the commission informed of any change. The commission shall approve or disapprove any cost-of-living pay raises provided by this act based on the availability of funds.

"(b) The raises which the deputies receives pursuant to this act shall not result in the compensation of the deputies exceeding the compensation of the sheriff."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gipson, Graham, Guin, Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R),

Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Lindsey, McAdory, McClammy, Millican, Minnifield, Mitchell, Moore, Morton, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Warren and Willis.

-72

And the bill:

H. 666. Relating to Marengo County; to amend Section 2 of Act No. 19, H. 227 of the 1978 Regular Session (Acts 1978, p. 84), providing that the compensation of deputies of the Marengo County Sheriff's Department would be based on the compensation of state troopers; to provide that the compensation of the deputies would include cost-of-living raises received by state troopers; and to further provide that the county commission would have authority to approve or disapprove increases in compensation based on the availability of funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gipson, Graham, Guin, Hall (L), Haney, Hawkins, Hayden, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Lindsey, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Mitchell, Moore, Morton, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Warren and Willis.

-67

Nay:

Representative Gaines.

- 1

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 290. HONORING DR. GENE A. BRAMLETT OF AUBURN, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

Also:

The following resolution was introduced:

By Representatives Box, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 291. CONGRATULATING REPRESENTATIVE AND MRS. THOMAS E. HOGAN ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY.

The resolution, H.J.R. 291, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Box, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield,

Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.R. 292. CONGRATULATING REPRESENTATIVE AND MRS. THOMAS E. HOGAN ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY.

Also:

The following resolution was introduced:

By Representative Johnson (E):

H.J.R. 293. HONORING REVEREND D. R. SCARBER FOR MANY YEARS OF OUTSTANDING SERVICE.

The resolution, H.J.R. 293, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Johnson (E):

H.R. 294. HONORING REVEREND D. R. SCARBER FOR MANY YEARS OF OUTSTANDING SERVICE.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Langford:

S. 56. To amend Sections 41-16-50, 41-16-51, 41-16-52, and 41-16-54, Code of Alabama 1975, relating to competitive bid laws, to provide for a variance

on competitive bids let by a county, municipality, or any instrumentality thereof to certain local bidders; to provide that competitive bidding requirements shall not apply to existing contracts up for renewal for recycling between municipalities and counties and those providing the service; to provide for an increase in the minimum expenditures for the leasing of heavy duty off-highway equipment; and to provide that all original bids together with all documents pertaining to the award of the contract shall be retained for a period of seven years from the date the bids are opened.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 56. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Bedford, Windom, Roberts, and Smith:

S. 373. Relating to law enforcement officers; to prohibit an automobile insurance carrier of a law enforcement officer from considering motor vehicle accidents in government vehicles.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 373. Judiciary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:08 P.M. on June 21, 1995.

H. 195 (Executive Amendment)

H. 469

Delivered to the Secretary of State at 2:10 P.M. on June 21, 1995.

H. 80 (Constitution Amendment)

Delivered to the Governor at 3:10 P.M. on June 21, 1995.

H. 467

H. 599

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Sanderson, the House adjourned until 12:00 o'clock Noon on Thursday, June 22, 1995.

Yeas 43; Nays 34.

Yea:

Representatives Bandy, Black (L), Black (M), Boyd, Buskey, Carothers, Crigler, Dean, Dolbare, Flowers, Gaines, Graham, Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, Melton, Millican, Mitchell, Moore, Newton (D), Payne, Pringle, Reed, Rogers (J), Sanderson, Spratt, Thomas (J), Townsend and Turnham.

-43

Nay:

Mr. Speaker, Allen, Box, Carns, Carter, Clark (W), Clouse, Collins, Curry, Ford, Gaston, Gipson, Guin, Haney, Hinshaw, Hogan, Hooper, Knight (A), McDaniel, McKee, Minnifield, Morrison, Morton, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Robinson, Smith, Thomas (D), Warren, Willis and Wren.

-34

TWENTY-FIRST DAY

**House of Representatives
Montgomery, Alabama
Thursday, June 22, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Tom Hammons, First United Methodist Church, Hanceville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Suzanne Dart, 9th Grade, St. James School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twentieth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twentieth legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, June 27, 1995, and the motion was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 255. RELATIVE TO MEETING DAYS.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hammett, the House concurred in and adopted the Senate amendment to the resolution, H.J.R. 255, said Senate amendment being as follows:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Thursday, June 22, 1995, they adjourn to meet again on Tuesday, June 27, 1995, and when they adjourn on Tuesday they adjourn to meet again on Thursday, June 29, 1995.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 666. Relating to Marengo County; to amend Section 2 of Act No. 19, H. 227 of the 1978 Regular Session (Acts 1978, p. 84), providing that the compensation of deputies of the Marengo County Sheriff's Department would be based on the compensation of state troopers; to provide that the compensation of the deputies would include cost-of-living raises received by state troopers; and to further provide that the county commission would have authority to approve or disapprove increases in compensation based on the availability of funds.

TOMMY CARTER
Chairman

And the bill, H. 666, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 73. Relating to Etowah County; levying a sales and use tax effective January 1, 1996, replacing the existing sales and use tax which expires on December 31, 1995; for the purposes of public education, public safety, and community development, providing that the county tax shall be administered, enforced, and collected as provided by law by Etowah County; providing for enforcement penalties; providing for the disposition of the proceeds of the revenue raised from the county tax; and establishing the Etowah County Community Development Committee and the Etowah County Library Committee.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 288. CREATING A JOINT INTERIM LEGISLATIVE COMMISSION ON PRESERVATION OF FAMILY HEALTH CARE CHOICES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Legislative Commission on The Preservation of Family Health Care Choices. The commission shall be composed of 19 members and shall consist of three members appointed by the Governor, two members of the Senate appointed by the Lieutenant Governor, two members of the House of Representatives appointed by the Speaker of the House of Representatives, one member appointed by the Alabama Hospital Association, one member appointed by the Alabama Nursing Home Association, one member appointed by the Alabama Association of Home Health Care Agencies, one member appointed by the Alabama Association of Living Facilities, one member appointed by the Medical Association of the State of Alabama, one member appointed by the Alabama State Nurses Association, one member appointed by the Alabama Chapter of the American Association of Retired Persons, one member appointed by the Alabama Commission on Aging, the State Health Officer, or his or her designee, the Commissioner of the State Medicaid Agency, or his or her designee, the State Fire Marshall, or his or her designee, and the Commissioner of the State Department of Human Resources, or his or her designee. The committee shall study all facets of options presently available to families who have accepted the responsibility to care for disabled or partially disabled relatives. The commission shall consider assisted living facilities, adult day care, nursing homes and other long term care facilities, expanded home health and home maker services, and other facilities and care schemes. The commission shall examine the costs and benefits of both regulation and reimbursement, and shall consider the needs of families and patients related to nutrition, sanitation, and safety, including fire, health care, and quality of life. The commission shall have the power to subpoena witnesses, documents, and other testimony.

The commission shall hold an organizational meeting on September 30, 1995. The commission shall elect one from its membership to serve as chair. The State Health Officer shall serve as temporary chair until the first meeting of the

commission is held, at which time a permanent chair shall be elected. The commission shall by majority vote set requirements for proxy representation, attendance, voting, and the establishment of a quorum.

Upon the request of the chair, the Alabama Department of Public Health shall provide the clerical assistance necessary for the commission's work. The commission shall report its findings, conclusions, and recommendations to the Legislature on January 20, 1997, of the 1997 Regular Session, whereupon the committee shall stand dissolved and shall be discharged of any further duties and liabilities. Members of the commission shall receive no compensation for service on the commission, but shall be entitled to reimbursement for travel and per diem expenses at the same rate paid to state employees. Travel and per diem expenses for members of the Legislature shall be paid from legislative appropriations. Travel and per diem expenses for commission members other than members of the Legislature shall be paid by the Alabama Department of Public Health.

On motion of Representative Carter, the resolution, H.J.R. 288, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 291. CONGRATULATING REPRESENTATIVE AND MRS. THOMAS E. HOGAN ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY.

WHEREAS, it is with great personal pleasure that the members of the Alabama Legislature extend heartiest congratulations to our friend and distinguished colleague, Representative Thomas E. (Tom) Hogan, and his lovely wife, Jean, on the occasion of their 40th Wedding Anniversary, June 28, 1995; and

WHEREAS, joined in matrimony, June 28, 1955, in Fulton, Mississippi, Tom and Jean Hogan are the parents of two daughters, Susan Y. Boyd of Ocala, Florida, and Donna J. Hogan Scott also of Jasper, and the proud grandparents of two wonderful grandchildren, Timothy P. Byrd of Birmingham, and Jennifer L. Boyd of Ocala, Florida; and

WHEREAS, the Hogans are highly regarded members of the Jasper community, and active and involved members of the Canaan Baptist Church, where Representative Hogan teaches Sunday School, and serves as deacon; he is also active in the charitable work of Beacon House and Daybreak, and often plays bass with his group for community fundraisers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this very special occasion, we hereby most highly commend and congratulate Representative and Mrs. Tom Hogan on their long and happy marriage, and do further direct that a copy of this resolution be provided with our sincere best wishes for many more years of continued good health and happiness in life.

On motion of Representative Carter, the resolution, H.J.R. 291, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 293. HONORING REVEREND D. R. SCARBER FOR MANY YEARS OF OUTSTANDING SERVICE.

WHEREAS, the Alabama Legislature notes with great pride and pleasure the outstanding service of Reverend D. R. Scarber on the occasion of his 35th anniversary as pastor of Twenty-Fifth Avenue Baptist Church; and

WHEREAS, Reverend Scarber has served with honor and distinction as a leader of the church and the community with service to the Birmingham Public School System for 25 years, the shoe repair business for several years, and the State of Alabama Placement System before retiring in 1992; and

WHEREAS, Reverend Scarber furthermore worked with the State Board of Education for 13 years, where he served with diligence as the personal public assistant of former Governor George Wallace; and

WHEREAS, Reverend Scarber has nurtured 16 ministers during his pastoral service at Twenty-Fifth Avenue Baptist Church, and produced several successful gospel songs; and

WHEREAS, on July 9, 1995, at 11:00 a.m., family and friends will gather at a celebration ceremony honoring Reverend Scarber and his 35 years of tremendous devotion and service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and warmest congratulations to Reverend D. R. Scarber of Twenty-Fifth Avenue Baptist Church, in honor of 35 years of outstanding service as pastor, and do furthermore direct that a copy of this resolution be provided with best wishes for every future happiness and success.

On motion of Representative Carter, the resolution, H.J.R. 293, was adopted.

BILLS ON SECOND READING

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 828. Relating to Morgan County; providing for the county commission to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors, mistakes, or omissions made in good faith, not to exceed a certain maximum per annum; and providing that the funds shall be payable from the county general fund.

H. 829. Relating to Morgan County; amending Section 3 of Act No. 380, S. 556, 1976 Regular Session (Acts 1976, p. 480), relating to the membership of the Morgan County Board of Education and filling of vacancies on the board; providing that vacancies occurring during the first 16 months of the term of the member shall be filled by election rather than by appointment of the remaining board members; providing for interim appointments; and providing for the effective date.

H. 830. To propose a local constitutional amendment to the Constitution of Alabama of 1901, to provide that the Legislature may, by local law, provide for the manner of filling vacancies on the Morgan County Board of Education.

The above bill was read a second time at length as required by the Constitution.

H. 831. Relating to redeeming lands for taxes in Pike County, Alabama.

H. 849. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Georgiana in Butler County.

S. 28. Relating to Crenshaw County; amending Sections 1 and 2 of Act No. 775, S. 158, 1975 Regular Session (Acts 1975, p. 1563), as amended by Act No. 81-1106, 1981 Special Session (Acts 1981 Special Session, p. 369), providing for the issuance fee and distribution of the fee for pistol permits issued by the sheriff, to increase the fee and provide further for the distribution of the fee.

S. 404. Relating to Bibb County; repealing Act No. 84-453, S. 601, 1984 Regular Session (Acts 1984, p. 1061) entitled "An Act, Relating to Bibb County; to amend Act No. 780, H. 1706, 1973 Regular Session (Acts 1973, p. 1195), which act provides for compensation of the sheriff, the appointment of deputies, secretaries and jailors, so as to further provide for the salaries of certain members of the sheriff's staff," and to make this act retroactive to September 30, 1992.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 871. To pledge and appropriate such amounts as may be necessary to pay and to redeem prior to their respective maturities the principal of and the interest on any issue of bonds and refunding bonds of the Alabama Incentives Finance Authority from the revenues retained by the state of Alabama from the in-lieu-of-taxes payments made by the Tennessee Valley Authority following the distribution of a portion of such payments to certain counties in the State of Alabama as provided in Section 40-28-2 of the Code of Alabama 1975, and the pledge and appropriation of TVA payments pursuant to Section 41-9-783 of the Code of Alabama 1975, for the Tennessee Valley Exhibit Commission Bonds outstanding on the effective date of this Act.

H. 872. To authorize the incorporation of Alabama Incentives Financing Authority; to provide for its governance and to confer upon it certain powers; to grant to the authority the power to issue or guarantee not exceeding \$150,000,000 principal amount bonds for the purpose of financing industrial and research facilities and training facilities and paying management fees referable to any such training facilities; to appropriate to the authority for payment of debt service on debt obligations of the authority and related ongoing financing costs and other obligations of the authority so much as may be necessary of (a) the revenues retained by the state from the in-lieu-of-taxes payments made by The Tennessee Valley Authority and (b) certain proceeds of an excise tax on financial institutions levied by Section 40-16-4 of the Code of Alabama 1975, as amended by H.B. _____ introduced at the 1995 Regular Session of the Legislature of Alabama; to authorize the pledge by the authority of the funds so appropriated and certain other funds available to the authority for payment of its obligations; to provide for the manner of ownership, operation, leasing, and disposition of facilities directly or indirectly financed by the authority; to provide for the manner of issuing and securing its obligations and providing for the incontestability thereof under certain conditions; to grant tax exemptions respecting the bonds of the authority, the interest thereon, and the authority's property and operations and other exemptions; to exempt the authority from the jurisdiction of certain state agencies and from competitive bid laws; and to provide for the dissolution of the authority.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 855. (With Amendment): To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; to repeal Section 40-25-5, Code of Alabama 1975; to distribute the revenue generated by the repeal of the discount; and to provide for enforcement by the Commissioner of the Alabama Department of Revenue.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 234. (With Substitute): To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 265. To make an appropriation of \$59,288 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

H. 266. To make an appropriation of \$36,125 from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

H. 267. To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 268. (With Substitute): To make an appropriation of \$117,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

H. 270. (With Substitute): To make an appropriation of \$297,223 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

H. 271. (With Substitute): To make an appropriation of \$52,575 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

H. 272. (With Substitute): To make an appropriation of \$255,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

H. 273. (With Substitute): To make an appropriation of \$15,810 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 274. To make an appropriation of \$42,500 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 275. (With Amendment): To make an appropriation of \$247,854 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 276. To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

H. 277. To make an appropriation of \$36,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 383. (With Substitute): To make an appropriation from the State General Fund in the amount of \$816,000 to the Child Advocacy Centers for the fiscal year ending September 30, 1996, and to require operations plans and audited financial statements prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 585. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 874. To make an appropriation of \$42,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 875. To make an appropriation of \$300,000 from the State General Fund to the Sentencing Institute for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 877. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. in the sum of \$73,442 for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 876. To make an appropriation of \$49,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

H. 862. To repeal Section 22-30B-19, Code of Alabama 1975, relating to the creation of the Alabama Legacy for Environmental Research Trust.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 328. (With Substitute): To amend Section 12-13-20, Code of Alabama 1975, to provide further for compensation for probate judges and provide effective dates.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 397. (With Substitute) (With Amendment): To amend Section 12-17-81, Code of Alabama 1975, relating to the salary of the circuit clerks and registers, to provide further for the compensation.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 226. (With Amendment): To amend Section 36-22-16, Code of Alabama 1975, relating to the minimum compensation to be paid to sheriffs; to provide for an increase in that compensation, and to provide an expense allowance under certain circumstances.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 430. To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the minimum salaries provided in the section by \$5,000 in each population bracket; to provide for two additional \$5,000 increases in compensation effective October 1, 1998 and October 1, 1999 respectively; and to provide an effective date at the beginning of the official's next term of office; to amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32, 40-10-27, and 40-10-29, Code of Alabama 1975, relating to the fees allowed the tax assessors, tax collectors, revenue commissioners, license commissioners, or other ad valorem tax officials, and probate judges of the various counties of this state for performing certain functions and duties of their offices; specifically, Section 40-4-5 relating to the fee allowed for making demand on a taxpayer for his or her list of property to be returned; Section 40-5-6 relating to fees allowed for making actual demand on delinquent taxpayers; Section 40-5-14 relating to the levy and sale of personal property of delinquent taxpayers; Section 40-5-17 relating to securing a writ against delinquent taxpayers who have left the county; Section 40-7-19 relating to making demand upon taxpayers who have failed to make return of taxable property; Section 40-7-32 relating to making returns of property which has escaped taxation; Section 40-10-27 relating to notice to a delinquent property owner to show cause why a decree of sale should not be rendered; and Section 40-10-29 relating to the fee allowed the judge of probate for issuing a tax deed, so as to increase the fees allowed in the sections to \$10.

H. 185. To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, to further provide for the setting of the compensation by resolution of the commission.

S. 267. Providing for distinctive motor vehicle license tags or plates for supporters of the Alabama Jaycees; prescribing the fees for the tags or plates; providing for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 824. (With Amendment): To amend Sections 23-2-141, 23-2-142, 23-2-143, 23-2-144, 23-2-145, 23-2-146, 23-2-147, 23-2-148, 23-2-149, 23-2-150, 23-2-151, 23-2-152, 23-2-155, 23-2-156, 23-2-160, and 23-2-161, Code of Alabama 1975, which sections relate to the construction, operation, and maintenance of toll road, bridge, and tunnel projects by the Alabama Toll Road, Bridge, and Tunnel Authority; to further provide for the creation of the authority as a public corporation; to further provide that the bonds issued by the authority may be payable from the state's share of the supplemental excise tax on gasoline that is distributed to the state pursuant to the provisions of Section 40-17-74.1, Code of Alabama 1975; to provide that all contracts for the construction of projects undertaken by the authority shall be let by competitive bid; to provide that the Department of Transportation shall have certain powers to act on behalf of the authority; to further provide with respect to bonds and contracts of the authority and to empower the authority to make and enforce all reasonable rules and regulations; to provide that all bonds and other obligations of the authority shall be exempt from all laws respecting usury and to provide that no public hearing or consent by any department or agency of the state shall be prerequisite to the issuance of bonds by the authority; to appropriate to the authority all tolls collected by the authority and to authorize the authority to pledge that appropriation and the share of the state's supplemental excise tax on gasoline as security for the payment of the bonds issued by the authority; to provide that neither the activities of the authority nor the levy, setting, or collection of tolls shall be subject to supervision by the Public Service Commission or any other commission or agency of the state; and to create a special enterprise fund in the State Treasury into which all tolls and other revenues of the authority shall be deposited and to provide further with respect to the fund.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 283. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

H. 857. To amend Sections 2-21-24, 2-22-4, 2-22-9, 2-23-5, and 2-27-9, Code of Alabama 1975, relating to increasing fees for inspection of liming material and commercial feeds, sale of fertilizer, and registration of pesticides; and to provide that the fee increases will be used for the regulatory duties of the Department of Agriculture and Industries.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 681. (With Substitute): To amend Section 28-6-4, Code of Alabama 1975, relating to excise tax on native farm wines to remove the exemptions for native wine produced for export.

Representative White, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 833. Relating to law enforcement in Houston County; to further amend Sections I and II of Act No. 671, 1967 Regular Session (Acts 1967, p. 1495), relating to the issuance of pistol permits in Houston County, to provide further for permit fees and distribution of the fees.

H. 870. Relating to Houston County, proposing an amendment to the Constitution of Alabama of 1901, authorizing the Legislature to enact legislation providing that the qualified electors of Houston County may vote on candidates for county offices without regard to the political affiliation of the elector.

The above bill was read a second time at length as required by the Constitution.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Hawkins (With Notice and Proof):

H. 878. To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate and also certain other territory in Jefferson County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 878, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Reed (With Notice and Proof):

H. 879. Relating to Bullock County; providing for the assessment and collection of additional court costs in the municipal, district, circuit and probate courts of the county; certain other fees of the judge of probate; and providing that the fees collected in the district and circuit courts be used for the benefit of the sheriff's department.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 879, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Reed (With Notice and Proof):

H. 880. Relating to Bullock County; amending Act No. 79-589, H. 1047, 1979 Regular Session (Acts 1979, p. 1048), to provide further for the expense allowance of the coroner.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 880, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dukes:

H. 881. Proposing an amendment to the Constitution of Alabama of 1901; relating to legalizing certain operations of bingo games for prizes or money for

charitable or educational purposes in Morgan County and the cities and towns of the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Dukes (With Notice and Proof):

H. 882. To provide for the implementation of a constitutional amendment authorizing the county governing body or the governing bodies of the cities and towns to regulate the operation of bingo in Morgan County, Alabama, and to provide for penalties.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 882, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Johnson (R):

H. 883. To amend Section 20-2-58 of the Code of Alabama 1975, relating to the dispensing of a controlled substance in Schedule II, to further provide for the dispensing of prescriptions transmitted by facsimile under certain conditions.

COMMITTEE ON HEALTH

By Representatives Carns, McKee, Payne, Curry, Townsend, Allen, Hinshaw, Haney, Sanderford, Papucci, Thomas (D), Gipson, Hawk, Hawkins, Sanderson, Jorgensen, Morton, McMillan, Gaines, Petelos, Rogers (M), Moore, Maull, Hooper, Gaston, Dean, Pringle, Crigler, Sims, Guin, Hogan, Willis, Laird, Dolbare, Johnson (R), Clouse, Seibenhener, Millican, Collins, Hamilton, Layson, Wren, and Flowers:

H. 884. Relating to public assistance; to provide procedures for the payment of certain welfare benefits; to provide for conditions of eligibility; to prescribe penalties for fraud; to provide for a job referral program for welfare recipients; and to provide administrative procedures for determining paternity and for obtaining orders for the payment of child support.

COMMITTEE ON STATE ADMINISTRATION

By Representative Rogers (J):

H. 885. To allow the transportation of certain machines which, based on the

skill of the player, provide a reward not to exceed a certain number of free replays, a certain dollar amount for the prizes given, and provide certain items as prizes; and provide for penalties.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representative Sanderson:

H. 886. To amend Section 40-17-174 of the Code of Alabama 1975, to provide for a one-time collection of the wholesale oil license fee.

COMMITTEE ON WAYS AND MEANS

H.R. 270 TAKEN UP

And the resolution:

H.R. 270. REPEALING HR 197, 1995 REGULAR SESSION.

and the pending motion to adopt the resolution which were carried over on the eighteenth legislative day were again taken up.

RESOLUTION LOST

The question was then on the motion offered by Representative McKee to adopt the resolution, H.R. 270, and the resolution was lost.

Yeas 35; Nays 48.

Yea:

Mr. Speaker, Allen, Burke, Carns, Carter, Collins, Crigler, Dean, Dukes, Flowers, Fuller, Gaines, Gaston, Hammett, Haney, Hawkins, Hill, Hooper, Knight (A), McKee, McMillan, Moore, Newton (C), Papucci, Payne, Penry, Pringle, Sanderford, Sanderson, Seibenhener, Thomas (D), Townsend, Vance, Venable and Wren.

-35

Nay:

Representatives Baker, Black (L), Box, Boyd, Buskey, Clark (W), Clouse, Dolbare, Drake, Ford, Galliher, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hawk,

Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Kennedy, Knight (J), Letson, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (D), Page, Parker (P), Perdue, Reed, Robinson, Rogers (J), Spratt, Thomas (J), Turner, Warren and White.

-48

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 771, were temporarily carried over at the request of Representative Thomas (J).

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Papucci, the Budget Isolation Resolution relating to the bill, H. 696, was adopted.

Yeas 64; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Letson, McAdory, McMillan, Melton, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, White, Willis and Wren.

-64

Nay:

Representatives Dukes and Hall (L).

- 2

And the bill:

H. 696. To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County and Limestone County to remove certain property from the corporate limits of the City of Huntsville.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 1.

Yea:

Mr. Speaker, Black (L), Box, Boyd, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hawkins, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Letson, McAdory, Melton, Millican, Minnifield, Moore, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Venable, White and Willis.

-57

Nay:

Representative Dukes.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hall (L) intended to vote "Nay" on passage of the bill, H. 696.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Collins, the Budget Isolation Resolution relating to the bill, H. 827, was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Layson, Letson, McAdory, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-68

And the bill:

H. 827. Relating to Lamar County; creating the Lamar County Economic Development Authority to promote economic growth and development of Lamar County and the municipalities of Beaverton, Detroit, Kennedy, Millport, Sulligent, and Vernon, and other like governing bodies.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Letson, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren and Willis.

-65

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Gipson, the Budget Isolation Resolution relating to the bill, H. 839, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Box, Boyd, Carothers, Carter, Clouse, Crigler, Curry, Dean, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-67

And the bill:

H. 839. Relating to Autauga County; to levy and collect an eight mill countywide ad valorem tax and a one cent countywide sales tax for education, improvement of unpaved roads, courthouse complex facilities, volunteer fire departments, and for Prattville, Autaugaville, and Billingsley.

was taken up.

AMENDMENT OFFERED

Representative Gipson offered the following amendment to the bill, H. 839:

On page 3, line 12, after the word "referendum" insert the following language: to be held on September 19, 1995

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Black (L), Box, Boyd, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Galliher, Gipson, Guin, Hammett, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Layson, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Penry, Perdue, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Turner, Turnham, Vance, Venable, Warren and Willis.

-59

And the bill:

H. 839. Relating to Autauga County; to levy and collect an eight mill countywide ad valorem tax and a one cent countywide sales tax for education, improvement of unpaved roads, courthouse complex facilities, volunteer fire departments, and for Prattville, Autaugaville, and Billingsley.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Black (L), Box, Boyd, Buskey, Carothers, Carter, Clouse, Collins, Curry, Drake, Flowers, Galliher, Gipson, Graham, Guin, Hammett, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Newton (C), Newton (D), Page, Penry, Perdue, Petelos, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-57

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, S. 475, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carothers, Carter, Clouse, Crigler, Curry, Dean, Drake, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable and Willis.

-64

And the bill:

S. 475. Relating to Lauderdale County; to amend Act No. 79-351, S. 181 of the 1979 Regular Session (Acts 1979, p. 565); to further provide for the fee of the Judge of Probate for celebrating the rites of matrimony; and to provide retroactive effect.

was read a third time at length and passed.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Galliher, Gaston,

Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable and Willis.

-68

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 557, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Buskey, Carothers, Carter, Clouse, Crigler, Curry, Dean, Drake, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morton, Murphree, Newton (D), Page, Payne, Perdue, Petelos, Pringle, Reed, Rogers (M), Seibenhener, Sims, Spratt, Starkey, Townsend, Turner, Vance, Venable and Willis.

-58

And the bill:

H. 557. (With Amendment): Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 7, said committee amendment being as follows:

Amend H. 557 on Page 2, line 12, after the word "tax" and before the period by inserting the following: ; provided, however, that any taxpayer that possessed a direct pay permit issued by the State Department of Revenue prior to the effective date of this amendment shall continue to pay use taxes to the county in which an item is ultimately used regardless of any storage of that item in Shelby County

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 6.

Yea:

Mr. Speaker, Boyd, Carns, Carothers, Carter, Clouse, Crigler, Dean, Drake, Flowers, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), McAdory, McClammy, Melton, Millican, Moore, Morton, Murphree, Newton (C), Page, Papucci, Payne, Petelos, Pringle, Reed, Rogers (M), Smith, Spratt, Starkey, Townsend, Vance and Venable.

-46

Nay:

Representatives Curry, Gaines, Hall (A), Knight (A), McMillan and Morrow.

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 557. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 46; Nays 5.

Yea:

Mr. Speaker, Allen, Black (L), Buskey, Carns, Carter, Clouse, Crigler, Dean, Drake, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Moore, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Pringle, Reed, Rogers (M), Spratt, Starkey, Townsend, Turnham, Vance and Wren.

-46

Nay:

Representatives Baker, Curry, Gaines, Knight (A) and Petelos.

- 5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Hill offered the motion to reconsider the vote by which the bill, H. 557, as amended, was passed, and the motion to reconsider was adopted.

And the bill, H. 557, as amended, was again taken up.

H. 557 TEMPORARILY CARRIED OVER

On motion of Representative Hill, the bill, H. 557, as amended, was temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Boyd, the Budget Isolation Resolution relating to the bill, H. 612, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Buskey, Carter, Clouse, Collins, Crigler, Dean, Drake, Flowers, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, McAdory, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Newton (C), Papucci, Payne, Penry, Perdue, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Vance and Willis.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 74. To require timely payments to contractors, subcontractors, and sub-subcontractors; and to provide for interest on late payments.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

H. 612 TAKEN UP

And the bill:

H. 612. Relating to Calhoun County; to authorize any city in the county and the county commission to declare noxious or dangerous weeds growing upon the streets, roads, or sidewalks, or upon private property within the city or county, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned or unsafe construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon the streets, roads, or sidewalks or upon which the nuisance exists for the cost of abatement.

was taken up.

SUBSTITUTE OFFERED

Representative Boyd offered the following substitute to the bill, H. 612:

A BILL
TO BE ENTITLED
AN ACT

Relating to Calhoun County; to authorize any city in the county and the county commission to declare noxious or dangerous weeds growing upon the streets, roads, or sidewalks, or upon private property within the city or county, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned or unsafe construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon the streets, roads, or sidewalks or upon which the nuisance exists for the cost of abatement.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For purposes of this act, "city" means any city or town located in Calhoun County. Any city in Calhoun County and the Calhoun County Commission may have the provisions of this act apply to the city adopting an ordinance or the county by adopting a resolution stating that fact. Upon the adoption of the ordinance or resolution by the city, the city within its corporate limits, and upon the adoption of a resolution by the county, the county as to platted subdivisions outside the corporate limits and outside of the corporate limits of any municipality within or partially within the county, shall exercise the authority and perform the duties delegated by this act.

Section 2. All weeds growing upon streets or sidewalks or upon private property within the city limits of the city or in unincorporated areas that are in platted subdivisions of the county, which attain such large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned or unsafe construction of any kind or nature, or motor vehicles not in usable condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, may be declared to be a public nuisance by the city governing body or by the county commission, and thereafter abated as provided in this act.

Section 3. Whenever any officer or employee of the city or the county having that responsibility reports to the city or county governing body the existence of any condition enumerated in Section 2 hereof, the city governing body or the county commission may, by resolution, if the proof is satisfactory, declare the condition to be a public nuisance. The resolution shall refer to the street or road by the name under which it is commonly known, and describe the property upon which or in front of which the nuisance exists by giving a legal description thereof. No other description of the property shall be required. Any number of streets, roads, sidewalks, or parcels of private property may be included in the same resolution.

Section 4. After the passage of the resolution, the city governing body or the county commission shall conspicuously post in front of the property on which or in front of which the nuisance exists, at not more than one hundred feet in distance apart, at least two notices headed "Notice to Remove Public Nuisance." The heading to be in words not less than one inch in height and substantially in the following form:

"NOTICE TO REMOVE PUBLIC NUISANCE

Notice is hereby given that on the _____ day of _____, 19____, the (city) or (county) governing body passed a resolution declaring that a public nuisance exists upon or in front of the property on _____ (street) (road) in the city or county, more particularly described in the resolution. The public nuisance must be abated by its removal by the city or county authorities, and the cost of the removal shall be assessed upon the lots and lands from which or in front of which the public nuisance is removed. The cost shall constitute a lien upon the lots or lands until paid. Reference is hereby made to the resolution for further particulars.

All property owners having any objections to the proposed removal of the public nuisance are notified to attend a meeting of the governing body of the City of _____ (or county commission) to be held (give date, time, and location), when their objections will be heard and given due consideration.

Dated this day of _____, 19____, Name of City (or County) _____
By _____ City Clerk."

The notice shall be posted at least five days prior to the time for hearing objections by the governing body of the city or county. In addition, a notice shall be mailed to the owner of the property at least five days before the meeting at which objections will be heard. A notice mailed to the person last assessed for property taxes due on the property according to the records of the county tax assessor shall be conclusively presumed to be adequate and to comply with these requirements.

Section 5. At the time stated in the notices, the governing body of the city or county shall hear and consider all objections or protests, if any, to the proposed removal of the nuisance, and may continue the hearing from time to time. Upon the conclusion of the hearing, the governing body, by motion or resolution, shall allow or overrule any or all objections. If the objections are overruled with respect to any piece of property, the governing body shall be deemed to have acquired jurisdiction to proceed and perform the work of removal with respect to the piece of property. The decision of the governing body on the matter shall be deemed final and conclusive.

Section 6. After final action has been taken by the governing body on the overruling of any protests or objections with respect to any described piece of property, or in case no protests or objections have been received, the city or county governing body, by motion or resolution, shall order the abatement of the

nuisance by having the nuisance removed. All necessary employees of the city or county are expressly authorized to enter upon private property for the purpose of abatement. Any property owner may have any nuisance removed at his or her own expense providing it is done prior to the arrival of the employees of the city or county to remove it.

Section 7. The city or county governing body shall keep an account of the cost of abating the nuisance and render an itemized report in writing showing the cost of removing the nuisance on each separate lot, or in front thereof, or both. Before the report is submitted, a copy shall be mailed to the owner or owners of the property at least three days before the report shall be submitted.

Section 8. At the time fixed for receiving and considering the report, the city or county governing body shall hear the report, together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating the nuisance. It shall make such modifications in the report as it deems necessary, after which by motion or resolution the report shall be confirmed. The amounts of the cost for abating the nuisance in front of or upon the various parcels of land mentioned in the report shall constitute special assessments against the respective parcels of land and shall constitute a lien on the property for the amount of the assessments. After confirmation of the report, a copy shall be turned over to the appropriate official or employee of the city or county who is charged with the collection of taxes or assessments. The official or employee shall add the amounts of the respective assessments to the next regular bills for taxes levied against the respective lots and parcels of land for city or county purposes. Thereafter, the amounts shall be collected at the same time and in the same manner as ordinary city or county taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city or county taxes.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Boyd, Buskey, Carter, Clouse, Crigler, Dean, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (J), Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson,

Rogers (M), Sims, Smith, Spratt, Townsend, Turnham, Warren and Willis.

-58

And the bill:

H. 612. Relating to Calhoun County; to authorize any city in the county and the county commission to declare noxious or dangerous weeds growing upon the streets, roads, or sidewalks, or upon private property within the city or county, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned or unsafe construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon the streets, roads, or sidewalks or upon which the nuisance exists for the cost of abatement.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Box, Boyd, Buskey, Carns, Carter, Clouse, Collins, Crigler, Dean, Drake, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance and Willis.

-69

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 434. To amend Sections 22-18-1, 22-18-3 to 22-18-6, inclusive, Code of Alabama 1975, to conform to the Administrative Procedure Act rulemaking procedures with respect to emergency medical services; to reduce the licensure period for emergency medical technicians and ambulance drivers from three to

two years, and to reduce the fee for such licenses from \$15.00 to \$10.00; to clarify language in existing code provisions relating to licensure of emergency medical technicians, ambulance operators, and ambulance drivers; to alter and expand the membership of the existing state emergency medical services advisory board, and to alter and clarify certain of its procedures; to eliminate current criminal penalties for violations of emergency medical services laws and to substitute new more specific provisions; to provide for the revocation of licenses for ambulance drivers, emergency medical technicians, and ambulance operators, to establish the specific grounds leading to adverse licensure action, and to conform such licensure procedures to the Alabama Administrative Procedure Act; to provide for the use of advanced life support procedures by emergency medical technicians and to permit properly staffed emergency vehicles to be equipped with drugs, fluids, and advanced life support equipment; to establish a state emergency medical control committee to advise the board of health; to clarify that the board of health, in fulfilling its responsibilities under the act, must in all cases conform its activities to the Administrative Procedure Act; to clarify that fire suppression activities and non-transport basic life support emergency medical services response of volunteer fire departments shall not be regulated by the board of health; and for other purposes.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 810, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Pringle, Rogers (M),

Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Warren and Willis.

-62

And the bill:

H. 810. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Knight (A), Knight (J), Letson, Maul, McAdory, McClammy, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Parker (P), Payne, Pringle, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren and Willis.

-55

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 103. COMMENDING KEEP ALABAMA BEAUTIFUL FOR OUTSTANDING SERVICE TO THIS STATE.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 843, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Boyd, Buskey, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hawk, Hawkins, Hayden, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Letson, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sims, Smith, Spratt, Starkey, Turnham, Vance, Warren, Willis and Wren.

-62

And the bill:

H. 843. Relating to Baldwin County; to provide for the regulation of certain wastewater treatment utilities by the Baldwin County Commission; to provide for inspection and supervision fees relating to the regulation; and to provide for civil enforcement of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Baker, Boyd, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Flowers, Galliher, Gaston, Gipson, Guin, Hawk, Hayden, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Letson, McAdory, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Robinson, Rogers (M), Sims, Smith, Spratt, Starkey, Turnham, Vance, Warren, White and Willis.

-53

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 826, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carothers, Carter, Clouse, Crigler, Dean, Dolbare, Drake, Flowers, Galliher, Gaston, Gipson, Guin, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morrison, Murphree, Newton (C), Papucci, Payne, Perdue, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Warren and Willis.

-54

And the bill:

H. 826. Relating to Shelby County; providing for an additional expense allowance for the tax assessor and tax collector; and providing an expiration date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carothers, Carter, Clouse, Dean, Drake, Flowers, Galliher, Gipson, Guin, Hawk, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Pringle, Rogers (M), Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Warren and Willis.

-50

Nay:

Representatives Curry, Gaines, Knight (A) and Sanderson.

- 4

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 295. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 21st legislative day, Thursday, June 22, 1995, taking precedence over the regular order of business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 164 - By Venable (As Substituted)	75
Agri. Industries Dept., markets, employment of one unclassified employee, provision repealed, Sec. 2-3-22 repealed	
H. 296 - By Johnson (R) (As Amended)	23
Indoor lead hazard reduction, Health Dept. admin. prog. re, certification of contractors, fees, crim. penalties	
H. 852 - By Galliher	110
Board of Electrical Contractors, executive secretary, comp., bd. to determine, Sec. 34-36-4 am'd.	
H. 177 - By Rogers (J)	58
Parole, deductions from sentences pursuant to Alabama Incentive Time Act for time served on parole, Sec. 14-9-42 am'd., retro. effect	
H. 754 - By Knight (A) (As Amended)	99
Nursing home beds, certificate of need process, exemption for 10 percent incr. or 10 beds, action prior to March 31, 1995, ratified, percentages rounded, procedures, Sec. 22-21-265 am'd.	

H. 628 - By Carns (As Amended and Substituted)	107
Pornography, criminal offense of distribution or possession with intent to distribute, penalty for second or third offense, Sec. 13A-12-200.2 am'd.	
H. 11 - By Willis (As Amended)	6
Motor vehicles, license plates issuance of, antique vehicles, definitions, penalties, fees, Sec. 40-12-290 am'd., Secs. 40-12-291, 40-12-295 repealed	
H. 476 - By Laird	23
Small claims ct., jurisdiction raised, Secs. 12-11-30, 12-12-31 am'd.	
H. 598 - By McMillan	100
Alcoholic beverages, exporters to foreign country, tax waived under cert. conditions, Sec. 28-3-11 am'd.	
H. 67 - By Page	11
Debt collection, practice regulated by Banking Dept., standards, penalties	
S. 424 - By Windom (As Amended and Substituted)	119
Commercial fishing and fishermen further reg., lic. and fees reg., revocation of lic., gill and seine netting reg., dealer reporting req., seafood and saltwater fish harvesting reg., misdemeanor penalties, Secs. 9-12-111, -113, -115 am'd.	
S. 449 - By Bailey	114
Tax incentive, cotton gins to qualify, Sec. 40-9B-3 am'd.	
H. 691 - By Hooper (As Amended)	77
Signs, adjacent to highways and streets, owner compensated for removal of signs under cert. conditions, Sec. 23-1-280 am'd.	

The following bills are not subject to the 10-minute limitation, and are subject to motions to carry over temporarily or otherwise.

REGULAR SESSION
21st Day

2099

H. 542 - By Hammett (As Substituted) 84

Tax lien sales on lands with delinquent taxes, alt., Secs. 40-10-1, 40-10-2, 40-10-9, 40-10-10, 40-10-18 am'd.

H. 121 - By Flowers 10

Medical Licensure Comm., membership incr., Sec. 34-24-310 am'd.

H. 322 - By McDaniel 9

Industrial Relations Dept., assessment pursuant to Employee Security Program, deleted, termination date, Secs. 25-4-40.1, 25-4-54 am'd.

H. 535 - By Knight (A) (As Amended) 3

Mandatory garbage collection, imposed in cos. and muns., Secs. 22-27-1, 22-27-2, 22-27-3, 22-27-5, 22-27-48 am'd.; Secs. 22-27-4, 22-27-6, 22-27-7 repealed

H. 387 - By Turnham (As Amended and Substituted) 60

Notaries public, fees incr., distrib. to special fund in St. Treasury, Sec. 36-20-30 am'd.

H. 194 - By Turner 8

Candidates for cert. judicial offices, disclosure statements, req., penalties provided

H. 462 - By Parker (T) (As Amended and Substituted) 2

Motor vehicles, seizure of vehicle driven by person with suspended driver's license, procedures, distrib. of fees, penalties

S. 217 - By Waggoner (As Amended) 62

Employees' Retirement System, participation by cert. co. officers in lieu of a supernumerary system, const. amend.

H. 435 - By McKee 21

Child and spousal support, revocation of licenses, including driver's and professional licenses, for failure to pay, hearing before Human Resources Dept.

H. 158 - By Crigler (As Amended)

19

Agriculture or seafood, disparagement, crime of further defined, civil action extended, Secs. 6-5-620, 6-5-621, 6-5-624 am'd.

On motion of Representative Carter, the resolution, H.R. 295, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 164, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Baker, Box, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Venable, Warren, White and Willis.

-75

And the bill:

H. 164. (With Substitute): To repeal Act No. 91-731, S. 411, 1991 Regular Session, now codified as Section 2-3-22, Code of Alabama 1975, providing the commissioner of the Department of Agriculture and Industries authority to employ one person in the unclassified service for each market of the department.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 2-3-22, Code of Alabama 1975, providing the Commissioner of the Department of Agriculture and Industries authority to employ one person in the unclassified service as an agricultural industrial recruiter for the department.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 2-3-22, Code of Alabama 1975, is amended to read as follows:

"§2-3-22.

"The operation of any structure, facility, equipment or market as provided in this article shall be under the commissioner of agriculture and industries. He is empowered to employ any necessary personnel for the efficient operation of said facilities or markets. At the discretion of the commissioner, one person ~~for each market~~ may be employed in the unclassified service as an agricultural industrial recruiter."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

And the bill:

H. 164. To amend Section 2-3-22, Code of Alabama 1975, providing the Commissioner of the Department of Agriculture and Industries authority to employ one person in the unclassified service as an agricultural industrial recruiter for the department.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-83

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 296, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-85

And the bill:

H. 296. (With Amendments): Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special revolving fund and making an appropriation from the fund for fiscal years ending September 30, 1995 and September 30, 1996, and providing for a prospective effective date.

was taken up.

SUBSTITUTE OFFERED

Representative Johnson (R) offered the following substitute to the bill, H. 296, and to the pending amendments reported by the Standing Committee on Health:

A BILL TO BE ENTITLED AN ACT

Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special fund and making an appropriation from the fund for fiscal years ending September 30, 1995 and September 30, 1996, and providing for a prospective effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be cited as the Alabama Lead Reduction Act of 1995.

Section 2. The following words and phrases have the following meanings unless the context clearly indicates otherwise:

(1) **ACCREDITED INDIVIDUAL.** An individual who engages in lead hazard reduction activities, who has successfully completed a Safe State accredited lead training course appropriate for the type or category of lead hazard reduction activity to be provided, who meets all other personal accreditation requirements established by Safe State under this act, and who holds a valid registration in the state accreditation registry for the relevant type or category of lead hazard reduction activity.

(2) **ACCREDITED LEAD TRAINING COURSE.** A course of instruction which has been reviewed and accredited by Safe State as meeting or exceeding training requirements established under Title IV of the Federal Toxic Substances Control Act (Public Law 99-519, 100 Stat. 2970, 15 U.S.C. §2601 et seq., as amended).

(3) **BOARD.** The State Board of Health as defined in Section 22-2-1 of the Code of Alabama 1975.

(4) **INDOOR.** The enclosed portions of buildings including public buildings, residences, and commercial buildings. For the purposes of this act, "indoor" shall include the exterior surfaces and all common areas of the structure including any attached or unattached structure located within the same lot line, including but not limited to, garages, play equipment, and fences.

(5) **LEAD HAZARD REDUCTION ACTIVITIES.** Activities designed to reduce exposure to lead in residences or public buildings and may include inspections, risk assessments, repair, enclosure, encapsulation, or removal of lead-based paint or lead contamination, or both, and the design and planning of such activities, and other related activities as established in Title IV of Toxic Substances Control Act, Public Law 99-519, 100 Stat. 2970, 15 U.S.C. § 2601 et seq., as amended, which are to be performed in residences or public buildings.

(6) **PERSON.** An individual, firm, partnership, corporation, commission, state agency, county governmental body, municipal corporation, party, company, association, or any other public or private legal entity.

(7) **PUBLIC BUILDING.** A building designed for public access and maintained for the public benefit through the use of state or local government funds, including public housing, schools, day care centers, and government facilities, or any location at which Title IV of the Federal Toxic Substances Control Act, or regulations thereunder, require lead-based paint activities be performed by an accredited individual, as those terms are defined in that act, such as commercial buildings and bridges. This term shall not apply to any of the following:

- a. Business facilities where access is principally limited to employees.
- b. Private clubs and residences.
- c. Commercial buildings.

(8) **SAFE STATE.** The Safe State Program, a division of the University of Alabama.

(9) **STATE HEALTH OFFICER.** The State Health Officer as defined in Section 22-2-8 of the Code of Alabama 1975.

Section 3. (a) With regard to facilities, the scope of this act shall not exceed the requirements of Title IV of the Federal Toxic Substances Control Act.

(b) The board may develop a statewide program to identify and reduce the threat to human health posed by exposure to lead. In furtherance of this purpose, the board may perform each of the following functions:

(1) Conduct and supervise development programs and studies to determine the source, effect, and hazards of lead.

(2) Conduct research or participate in research within the state.

(3) Collect and disseminate information.

(4) Make contracts and execute instruments that are necessary or convenient to the exercise of its powers or the performance of its duties under this act.

(5) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this act.

(6) Assist persons in evaluating existing or potential health hazards from lead, including, but not limited to, health hazards from external sources that infiltrate the indoor environment and those from materials, processes, or human activities in the indoor environment.

(7) Assist persons in methods to control, remove, or minimize sources of lead.

(8) Advise, consult, and cooperate on matters of common interest in lead hazard reduction with other agencies of the state, political subdivisions of the state, industries, other states, the federal government, and interested persons or groups.

(9) Represent the state in matters relating to lead hazard reduction and apply for and receive, on behalf of the state, matching grants, gifts, donations, foundation awards, or other legitimate means of support for the intents and

purposes of this act, and to make other decisions concerning the fiscal aspects of the powers, duties, programs, and activities of the board under this act.

(10) Enter into cooperative agreements or contracts to demonstrate practices, methods, technologies, or processes which may be effective in controlling sources or potential sources of lead, preventing the occurrence of lead, and reducing exposure to lead; and accept financial assistance in the form of grants from public agencies and authorities, nonprofit institutions and organizations, educational institutions, or other persons.

(11) Establish by rule a fee schedule for performing lead investigations and services, which may not in any case exceed the actual costs.

(12) Subject to the Alabama Administrative Procedure Act, publish guidelines in performing lead hazard reduction.

Section 4. The State Health Officer may conduct investigations as necessary to administer this act, and the rules adopted and orders issued under this act. The State Health Officer may conduct investigations of general lead contamination problems or conditions in public buildings, and upon request of the building owner or occupant, residential and commercial buildings. In performing these investigations, the State Health Officer and the agents and employees of the officer are exempt from liabilities for acts or omissions not founded upon willful misconduct or gross negligence.

Section 5. (a) Before engaging in lead hazard reduction activities, a person, firm, or corporation shall be certified by the board as specified in this act. This subsection shall not apply to an individual performing lead abatement on a structure, or the portion of a structure that is used as his or her private residence. Notwithstanding the foregoing, this subsection shall apply to any person contracted by the home owner to perform deleading activities and also applies where the owner performs such activities in or upon another structure which is not his or her private residence or the portion thereof. For the purpose of this subsection, the term "deleading" means activities conducted by a person who offers to eliminate lead-based paint or lead-based paint hazards or to plan such activities.

(b) Subject to the Alabama Administrative Procedure Act, the board shall develop and publish certification procedures for each type of contractor in lead hazard reduction activities and specify qualifications, including, but not limited to, training accreditation and blood lead tests for personnel. The satisfaction of these qualifications shall be documented by the contractor before the contractor is certified and permitted to engage in the provision of lead hazard reduction activities.

(c) The board shall establish decertification and recertification policies and procedures for each type of lead hazard service contractor.

(d) The board may establish by rule reasonable and necessary fees for the conduct of the contractor certification program and for the performance of field inspections of abatement projects. The board may adopt rules, including definitions and standards, and issue necessary orders to implement this act, which rules and orders shall have the effect of law.

(e) The board may enter into cooperative agreements with and accept grant assistance from the U.S. Environmental Protection Agency in support of certification provisions of Title IV of the Federal Toxic Substances Control Act or from any other agency of government or under other authority to carry out the intents of this act.

Section 6. (a) Safe State, a division of the University of Alabama, is designated as the state accreditation agency for lead hazard training.

(b) Subject to the Alabama Administrative Procedure Act, Safe State shall establish a program to review and accredit lead training courses in accordance with Title IV of the Federal Toxic Substances Control Act.

(c) Safe State shall establish and maintain a state registry of accredited individuals who have successfully completed accredited lead training courses and who meet all other personal accreditation requirements established by Safe State under this act.

(d) An individual who provides or participates in the lead hazard reduction activities described in Section 5 of this act shall obtain valid Safe State registration and certification from the board prior to engaging in such activities.

(e) Subject to the Alabama Administrative Procedure Act, Safe State shall develop and publish policies and procedures governing the accreditation of lead training courses and the registration of accredited individuals.

(f) Safe State may establish reasonable fees for the conduct of the accreditation and registration programs and expend the fees to administer the program.

(g) Safe State may enter into cooperative agreements with and accept grant assistance from the U.S. Environmental Protection Agency in support of the training and accreditation provisions of Title IV of the Federal Toxic Substances Control Act (Public Law 99-519, 100 Stat. 2970, 15 U.S.C. § 2601 et seq., as amended), or from any other agency of government or under other authority to carry out the intents of this act.

(h) Safe State may negotiate and establish reciprocity agreements with other states where equivalency of lead training accreditation or registration of individuals, or both, can be demonstrated.

Section 7. (a) Persons engaged in lead hazard reduction activities shall be certified by the board and observe proper removal procedures and precautions, as established by the rules adopted by the board. The board may enforce such rules by order.

(b) An owner or operator of an entity engaged in lead hazard reduction activities who fails to comply with subsection (a) of this section and rules adopted or orders issued thereunder shall be guilty of a Class C misdemeanor.

Section 8. If it appears that a person has violated, is violating, or is threatening to violate Section 5 or Section 7 of this act or a rule adopted or order issued under this act, the State Health Officer or a county health officer, as appropriate, may institute a civil suit in his or her own name in a circuit court to obtain injunctive relief to restrain the person from continuing the violation or threat of violation.

Section 9. All fees collected and all fines, penalties, and funds of any nature received by the State Board of Health under authority of this act shall be remitted to the State Board of Health to the credit of the Lead Reduction Fund, which is created. The expenses incurred by the State Board of Health in carrying out this act shall be paid from moneys in the Lead Reduction Fund; however, the expenditure from said fund shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975.

Section 10. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the State Board of Health from the Lead Reduction Fund an amount as determined necessary by the State Board of Health for administration of this act for the fiscal years ending September 30, 1995 and September 30, 1996.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 12. This act shall become effective 90 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Boyd, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins,

Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Thomas (J), Turner, Vance, Venable, Warren, White and Willis.

-80

And the bill:

H. 296. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special fund and making an appropriation from the fund for fiscal years ending September 30, 1995 and September 30, 1996, and providing for a prospective effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-84

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Galliher, the Budget Isolation Resolution relating to the bill, H. 852, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-86

And the bill:

H. 852. To amend Section 34-36-4 of the Code of Alabama 1975, relating to the Alabama Board of Electrical Contractors, to provide further for the compensation of the executive secretary.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Box, Boyd, Buskey, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, White and Willis.

-81

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (J), the Budget Isolation Resolution relating to the bill, H. 177, was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gipson, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Letson, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren and White.

-68

And the bill:

H. 177. To amend Section 14-9-42 of the Code of Alabama 1975, to allow deductions from sentences pursuant to Section 14-9-42 of the Code of Alabama 1975, for time served on parole; and to provide that this provision would apply to persons currently on parole for time served on parole.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 7.

Yea:

Mr. Speaker, Allen, Box, Boyd, Carothers, Carter, Clouse, Collins, Curry, Drake, Galliher, Gipson, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Letson, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Spratt, Starkey, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-60

Nay:

Representatives Crigler, Dean, Gaston, Graham, Hinshaw, Seibenhener and Smith.

- 7

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Pringle intended to vote "Nay" on passage of the bill, H. 177.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 754, was adopted.

Yeas 89; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-89

Nay:

Representative McKee.

- 1

And the bill:

H. 754. (With Amendment): To amend Section 22-21-265 of the Code of Alabama 1975, relating to the certificate of need process for new institutional health services and providing an exemption for an increase in the bed number by a skilled nursing facility or intermediate care facility under certain conditions; to ratify certain actions taken by the State Health Planning and Development Agency; and to specify rounding of certain occupancy rates to the nearest whole number.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. 754 on Page 8, Line 17, by inserting a new Section 2 as follows:

Section 2. It is not legislative intent to forgive, ratify or confirm any illegal actions or presentation of information known to be false on the part of applicants for Certificates of Need or the agents or employees of either the applicants or S.H.P.D.A.

Further amend H. 754 by renumbering all subsequent sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-91

And the bill:

H. 754. To amend Section 22-21-265 of the Code of Alabama 1975, relating to the certificate of need process for new institutional health services and providing an exemption for an increase in the bed number by a skilled nursing facility or intermediate care facility under certain conditions; to ratify certain actions taken by the State Health Planning and Development Agency; and to specify rounding of certain occupancy rates to the nearest whole number.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-92

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 754:

Representatives Allen, Haney, Hinshaw, Hogan, Papucci, Perdue and Turner.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Carns offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 628.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 295, the time to debate the bill, H. 628, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, H. 11, was adopted.

Yeas 60; Nays 8.

Yea:

Mr. Speaker, Baker, Black (L), Box, Boyd, Buskey, Carothers, Clouse, Curry, Dolbare, Drake, Dukes, Gaines, Galliher, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, McAdory, McDaniel, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Page, Parker (P), Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance and Wren.

-60

Nay:

Representatives Carns, Houston, Johnson (E), Morrow, Payne, Smith, Turner and White.

- 8

And the bill:

H. 11. (With Amendments): To amend Section 40-12-290 of the Code of Alabama 1975, relating to the issuance of antique vehicle license plates or tags by the Commissioner of Revenue, to provide for the issuance of permanent antique vehicle license plates by the judge of probate of each county, to increase the fee for license plates or tags, to provide for definitions, and to specify the size and description of the license plates; to provide for penalties for certain uses of antique vehicles; and to specifically repeal Sections 40-12-291 and 40-12-295 of the Code of Alabama 1975.

was taken up.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 295, the time to debate the bill, H. 11, and the pending amendments reported by the Standing Committee on Ways and Means expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Laird offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 476.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 295, the time to debate the bill, H. 476, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 598, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaston, Gipson, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, White and Wren.

-73

And the bill:

H. 598. To amend Section 28-3-11, Code of Alabama 1975, relating to the export of alcoholic beverages to another state to specifically exempt alcoholic beverages purchased from the Alcoholic Beverage Control Board for export to another country from taxes collected by the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jorgensen, Knight (A), Knight (J), Laird, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page,

Papucci, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Wren.

-74

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, H. 67, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White and Wren.

-80

And the bill:

H. 67. To provide for the regulation of consumer debt collectors, and provide penalties for violations.

was taken up.

SUBSTITUTE OFFERED

Representative Page offered the following substitute to the bill, H. 67:

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the regulation of consumer debt collectors; to provide for an appropriation; to create a special fund in the State Treasury; and to provide penalties for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as the "Alabama Fair Debt Collection Practices Act."

Section 2. The Legislature finds and declares as follows:

(1) There is evidence of the use of abusive, deceptive, and unfair debt collection practices by some debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and the invasion of individual privacy.

(2) Existing laws and procedures for redressing these injuries are inadequate to protect consumers.

(3) Means other than misrepresentation or other abusive debt collection practices are available for the effective collection of debts.

(4) Abusive debt collection is carried on by phone and through the mail.

Section 3. The Legislature declares that the purpose of this act is to help eliminate abusive debt collection practices by debt collectors and to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged.

Section 4. The Fair Debt Collection Practices Act [The United States Code, Title 15, Section 1692 (15 U.S.C. 1692)] with all current and future amendments shall be recognized as state law, except as amended by this act.

Section 5. The following words and phrases used in this act shall have the following meanings unless the context clearly indicates otherwise:

(1) **COMMUNICATION.** Conveying information regarding a debt directly or indirectly to a person through any medium.

(2) **CONSUMER.** A natural person obligated to pay a debt.

(3) **CREDITOR.** A person who offers or extends credit creating a debt or to whom a debt is owed.

(4) **DEBT.** An obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not the obligation has been reduced to judgment.

(5) **DEBT COLLECTOR.** The definition of a Debt Collector in addition to that as defined by the federal law shall be a person who uses any instrumentality of interstate or intrastate commerce or the mails in a business the principal purpose

of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due another. In addition to the exclusions in the federal act, the following are added:

a. Any attorney in the private practice of law and the staff of the attorney.

b. Any bank or savings and loan association which is regulated by the State Banking Department of Alabama, the Comptroller of Currency of the United States, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, or the Office of Thrift Supervision, and all subsidiaries and affiliates of any bank or savings and loan association.

c. Any person whose primary business is receiving money, or evidences thereof, as agent of a debtor for the purposes of distributing the same to creditors in payment or partial payment of his or her obligations, and who is properly licensed in accordance with Section 8-7-1, et seq., Code of Alabama 1975, or any rules and regulations promulgated pursuant to the Deceptive Trade Practices Act, Section 8-19-1, et seq., Code of Alabama 1975.

(6) DEPARTMENT. The State Banking Department.

Section 6. Every agency falling under the definition of debt collector under this act shall obtain a license for each location and pay to the department a non-refundable annual fee as set by the Superintendent of Banks, not to exceed three hundred dollars (\$300). The annual fee shall be due on March 1 of each year and delinquent on April 1 of each year. The superintendent shall assess and collect a penalty of 10 percent for each month or part thereof the licensee is delinquent in the payment of the annual fee. Debt collectors operating within the state shall submit within 39 days of the effective date of this act to the department the following:

(1) Every name in which the debt collector operates within the state. This does not mean the names of the employees of the debt collector.

(2) A bond in the amount of ten thousand dollars (\$10,000) for the protection of the clients of the agency within the State of Alabama made payable to the State Banking Department. If any agency violates the conditions of a bond, the injured client may maintain an action in his or her own name on the bond in the Circuit Court of Montgomery County. It shall be expressly stated in the bond that it is for the benefit of any person, firm, or corporation for whom the agency engages in the collection of accounts.

(3) Address of the principal office, whether or not within the state.

(4) Address of all offices within the state.

(5) Multiple agencies having the exact same owners, whether a corporation, partnership, or an individual proprietorship shall be required to have only one

bond. A copy of the tax returns or corporate records of the agencies shall be submitted with application to confirm this information. These tax returns or corporate records shall be confidential and not subject to disclosure.

Section 7. Costs and fines imposed pursuant to Chapter 18, commencing with Section 15-18-60, of Title 15 of the Code of Alabama 1975, may be collected by debt collectors.

Section 8. Debt collections shall be included and abide by Section 8-8-1 of the Code of Alabama 1975.

Section 9. Nothing in this act shall be construed to prevent collection agencies from taking assignments of claims in their own name as real parties in interest for the purpose of billing and collection and bringing suit in their own names provided that no suit authorized by this section shall be instituted on behalf of a collection agency in a court unless the collection agency appears by a duly authorized and licensed attorney at law.

Section 10. Compliance with this act shall be enforced by the department. Enforcement provisions as outlined in the federal act shall not be part of this act.

Section 11. (a) The superintendent may, upon its own motion, or shall upon the sworn complaint in writing of any person, investigate any debt collector licensee operating in the state.

(b) The superintendent shall transmit any such complaint within 15 days of receipt thereof to the accused licensee by registered or certified mail.

(c) The licensee shall, within 20 days, file with the superintendent sworn answer to the complaint.

(d) The superintendent may suspend, revoke, or refuse to renew any license held under the provisions of this act for any of the following causes:

(1) Obtaining a license through misrepresentation or fraud.

(2) Collecting or attempting to collect from the debtor any fee, commission, or other compensation not provided by law or contract for collection services rendered to a client, except that a collection service may recover from debtors reasonable charges imposed by banks for processing insufficient fund checks.

(3) Failing to report and pay to a client the net proceeds of all collections made during a calendar month within 30 days, unless otherwise provided by mutual agreement between the licensee and the client.

(4) Violating, or cooperating with others in violating, any provision of this act or any rule lawfully promulgated by the superintendent.

(5) Failing to comply with any applicable state or federal law or regulation pertaining to the credit and collection industry.

(6) Any cause for which issuance of a license could have been refused had it existed and been known to the superintendent at the time of issuance.

Section 12. (a) Collection agencies having a physical location outside the state but attempting to collect from Alabama residents by means of interstate communication, including telephone, mail, or facsimile transmission, shall be exempt from obtaining a license if:

(1) The agency is properly licensed in another state and furnishes the license to the department.

(2) The agency shall furnish to the department a copy of the state law on request.

(b) If the state where the agency is located and licensed, or not licensed if not required, recognizes an agency located and licensed in Alabama and exempts the Alabama agency from obtaining a local license, then Alabama shall extend the same privilege. If the Alabama agency is not recognized, the out-of-state agency shall adhere to Alabama law. The department has the option of requiring the fees provided in this act or provided in the state where the agency is located.

Section 13. All licensing fees shall be paid into the special fund established under Section 5-2A-20, Code of Alabama 1975.

Section 14. Any agency falling under this act who willfully fails to obtain a license shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500), not less than one hundred dollars (\$100), or by imprisonment for not more than six months, or by both a fine and imprisonment in the discretion of the court.

Section 15. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 16. There is appropriated sixty thousand dollars (\$60,000) to the State Banking Department from the Banking Assessment Fund for the 1995-1996 fiscal year, to be utilized for the implementation of this act.

There is created in the State Treasury a fund to be known as the Fair Debt Collection Practice Fund. All receipts of the State Banking Department collected pursuant to this act shall be deposited into this fund. The expenses incurred by the State Banking Department in enforcing this act shall be paid out of the Fair Debt Collection Practice Fund by warrant of the Comptroller upon the State Treasurer upon itemized vouchers, approved by the Superintendent of the State Banking Department.

Section 17. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, White and Wren.

-77

And the bill:

H. 67. To provide for the regulation of consumer debt collectors; to provide for an appropriation; to create a special fund in the State Treasury; and to provide penalties for violations.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Wren.

-79

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, S. 424, was adopted.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

Nay:

Representative Dean.

- 1

And the bill:

S. 424. (With Substitute) (With Amendments): To further provide for the management of Alabama's marine resources; to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further regulate the possession thereof, to provide for certain lengths thereof, to further regulate widths of certain trawls, to provide for certain confiscation and forfeiture, and to provide for certain criminal liability; to amend Section 9-12-113, Code of Alabama 1975, relating to certain fishing licenses, so as to further provide for certain fees and permits, to regulate the transfer of certain net or seine permits, to provide for certain additional requirements to be permitted, to restrict the number of permits issued and require certain decals or placards, to restrict the number of nets or seines in use at any one time, to further regulate and require the presence of the permittee in certain conditions, certain possession, and certain net or seine identification, to specify to whom certain licenses or permits may be issued and further define "nonresident," to further provide for forfeiture and alternatives thereto, to further define possession of game fish, to specify certain saltwater game fish and provide for a certain tagging system, to provide penalties for violation of certain regulations, to further provide as to certain penalties and as to certain criminal liability and to provide for a point system whereby certain

licenses or permits shall be revoked under certain circumstances; to prohibit selling, buying, or trading or bartering in certain saltwater game fish and specify penalties and certain criminal liability; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to further provide for and require seafood dealer reporting; to provide for certain landing and reporting requirements for certain saltwater finfish and seafood products commercially harvested in Alabama, to provide for the establishment by regulation of certain reporting procedures, to provide for certain revocation procedures, and to specify penalties and certain criminal liability; to amend Section 9-12-125, Code of Alabama 1975, relating to the seafood dealer's license, so as to further provide for the requirements and fees therefor, to further regulate and provide for the licensing of certain vehicles from which seafood is bought or sold, and to further provide for penalties; and to provide for effective dates.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Navigation and Water Ways, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To further provide for the management of Alabama's marine resources; to amend Section 9-12-111, Code of Alabama 1975, relating to certain lengths of certain seines and nets, so as to further regulate the possession thereof, to provide for certain lengths thereof, to further regulate widths of certain trawls, to provide for certain confiscation and forfeiture, and to provide for certain criminal liability; to amend Section 9-12-113, Code of Alabama 1975, relating to certain fishing licenses, so as to further provide for certain fees and permits, to regulate the transfer of certain net or seine permits, to provide for certain additional requirements to be permitted, to restrict the number of permits issued and require certain decals or placards, to restrict the number of nets or seines in use at any one time, to further regulate and require the presence of the permittee in certain conditions, certain possession, and certain net or seine identification, to specify to whom certain licenses or permits may be issued and further define "nonresident," to further provide for forfeiture and alternatives thereto, to further define possession of game fish, to specify certain saltwater game fish and provide for a certain tagging system, to provide penalties for violation of certain regulations, to further provide as to certain penalties and as to certain criminal liability and to provide for a point system whereby certain licenses or permits shall be revoked under certain circumstances; to prohibit selling, buying, or trading or bartering in certain saltwater game fish and specify penalties and certain criminal liability; to amend Section 9-12-115, Code of Alabama 1975, relating to the filing of certain dealer reports, so as to further provide for and require seafood dealer reporting; to provide for certain landing and reporting requirements for certain saltwater finfish and seafood products commercially harvested in Alabama, to provide for the

establishment by regulation of certain reporting procedures, to provide for certain revocation procedures, and to specify penalties and certain criminal liability; to amend Section 9-12-125, Code of Alabama 1975, relating to the seafood dealer's license, so as to further provide for the requirements and fees therefor, to further regulate and provide for the licensing of certain vehicles from which seafood is bought or sold, and to further provide for penalties; and to provide for effective dates.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 9-12-111, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

"§9-12-111.

"It shall be unlawful for any person, firm or corporation to have in possession on board a boat in the waters of Alabama or in use, any seine, trammel net, gill net or other device for the taking or catching of saltwater fish or other seafoods having in length on the lead cork or main top line more than ~~500 fathoms (3,000~~ 2,400 feet) except on purse seines where the commissioner of conservation and natural resources may set additional length by regulation. ~~This measurement shall be on shrimp trawls along the cork line rather than along the lead line.~~ When two or more nets are joined together, they shall be considered as one, and the total length thereof must not exceed the above limitation. All nets, seines, or trawls exceeding the prescribed length or width as set by law or regulation may be confiscated and held as evidence, and upon conviction, the nets, seines, or trawls shall be forfeited to the Department of Conservation and Natural Resources which shall dispose of forfeited items as it deems advisable. Any person violating this section or any regulation promulgated pursuant to this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction. It shall be unlawful for any person, firm, or corporation to have in use any trawl or trawls, for the taking of shrimp or other seafoods, the total width of which exceeds the measurement as set by regulation."

Section 2. Section 9-12-113, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

"§9-12-113.

"(a) Each license or permit issued by the Commissioner of Conservation and Natural Resources or his or her authorized agent shall state the name of the applicant.

"(1) If the applicant is a resident of the state of Alabama, the applicant shall pay ~~a fee of~~ the following fees:

"a. ~~\$25~~ One hundred dollars (\$100) for commercial hook and line fishing;.

"b. For residents age 62 years or older, one hundred fifty dollars (\$150) on each net or seine permit, which permit shall include the taking of Roe Mullet and Spanish Mackerel, shall be nontransferable, and shall be for use of nets having a total maximum length not to exceed 1,200 feet. The applicant shall not be subject to the provisions of subsection (c).

"c. Except as provided in b. above, \$100 three hundred dollars (\$300) on each net or seine permit of any kind not more than 200 fathoms in length, plus an additional five hundred dollars (\$500) per permit for the taking of Roe Mullet and Spanish Mackerel, as defined by regulation of the Department of Conservation and Natural Resources \$150 on each seine or net of any kind over 200 but not over 400 fathoms in length, and.

"d. \$500 One thousand five hundred dollars (\$1,500) for each purse seine license.

"(2) Nonresidents shall pay the following fees:

"a. Two hundred dollars (\$200) for commercial hook and line fishing.

"b. \$500 One thousand five hundred dollars (\$1,500) for each net or seine permit of any kind up to 200 fathoms, plus an additional two thousand five hundred dollars (\$2,500) per permit for the taking of Roe Mullet and Spanish Mackerel, as defined by regulation of the Department of Conservation and Natural Resources. and \$750 for each net or seine of any kind over 200 but not more than 400 fathoms

"c. Three thousand dollars (\$3,000) for each purse seine license except where the nonresident of the State of Alabama is a resident of a state which has a reciprocal fishing agreement with the State of Alabama, in which case the fee shall be the same as the fee for an Alabama resident in that state.

"(b) The net and seine permits provided for in this section shall not be transferable from one person to another for a period of three years from the effective date of the act amending this code section or until a transfer system is developed by departmental regulation, except in the case of proven physical hardship, as determined within the sole discretion of the Director of the Marine Resources Division. The Department of Conservation and Natural Resources shall by regulation establish a system for the transfer of the permits within a three year period. In establishing the system, the department shall provide that there shall be no financial gain realized by the transferor of the permits.

"(c) In addition to all other requirements to be permitted pursuant to this section, except as otherwise provided for residents age 62 years or older under certain conditions, all applicants for net and seine permits shall submit the following: (1) proof that the applicant purchased a license under this section in at least two of the five years during the period of 1989 through 1993; and (2) proof, in the form of unamended original income tax returns including Alabama state

income tax returns for all applicants in accordance with procedures established by departmental regulations, that the applicant recognized his or her applicable Alabama income and derived at least 50 percent of his or her earned income from the capture and sale of seafood species in at least two of the five years during the period of 1989 through 1993 and subsequent years for annual renewal. The Alabama Department of Revenue shall verify, upon request, to the Director of the Marine Resources Division of the Alabama Department of Conservation and Natural Resources the income tax return of the applicant if the applicant authorizes the release of the information. Authorization by the applicant to release the information shall be a prerequisite for a permit.

"(d) Only one permit shall be issued per individual. The department shall issue each permittee one decal or placard which shall be visibly displayed on the permittee's designated vessel or vessels in accordance with regulations promulgated by the Department of Conservation and Natural Resources. All nets and seines, except seines 25 feet or less, shall be licensed, and the licensee of the seine or net. A permittee shall have only one net or seine in use at any time and shall be present and have the license permit in his or her possession when the net or seine is in use or in transit, provided the presence of the permittee shall not be required when the boat is docked, refueling, or at a launch site.

"(e) All nets and seines, except purse seines, and seines 25 feet or less, shall bear a tag showing the name and number of the licensee permittee and any other identification as required by regulation, when the nets or seines are in use or on board a boat in the waters of Alabama. A designated vessel of 45 feet in length or less, as measured down the centerline, may have properly marked nets which are the property of the owner of the designated vessel on board the vessel but no fish may be in contact with the nets and provided that the vessel is not in motion and is moored or anchored when the permittee is not present. An initial designated vessel may be replaced by another vessel owned by the permittee that is no longer than 110 percent of the original vessel subject in all events to a maximum of 45 feet except in certain cases which may be waived by the Director of the Division of Marine Resources upon presentation of evidence that a permittee owned a vessel longer than 45 feet prior to the passage of this amendatory act.

"(f) All permits issued shall be issued to individual persons only. A purse seine license may be issued to a person, firm, or corporation. A nonresident, as mentioned in this section, for the purposes of all permits issued, is defined to be any person who has not been continuously domiciled in this state for more than one continuous year prior to the date of the issuance of the license and for the purpose of purse seine licenses, a nonresident is defined to be any person, firm, or corporation who has not been domiciled in this state for more than one continuous year immediately prior to the date of the issuance of the license.

"(g) All licenses and permits issued pursuant to this section shall expire on September 30 thereafter irrespective of the date of the issuance of the same.

"(h) All nets and seines fished in an illegal manner, or in an illegal area, are declared to be a nuisance and may be confiscated, along with the entire catch, any boat, motor, or and any other fishing gear in the violator's possession, and all of the items may be held as evidence by any agent of the Department of Conservation and Natural Resources. After conviction of the person in whose possession the device or items were found or when the operator of the device has not been determined after a period of 30 days, the device or items shall be forfeited to the Department of Conservation and Natural Resources which shall destroy or otherwise dispose of the device or items as it shall deem advisable or in lieu of forfeiture, the court may impose additional fines.

"(i) All game fish taken by nets or seines under this law shall be immediately returned to the waters where they were taken with the least possible injury to the fish. Possession of game fish in violation of this paragraph will be considered as using a net or seine in an illegal manner. Saltwater game fish are defined as follows: Spotted Seatrout (*Cynoscion nebulosus*); Red Drum (*Sciaenops ocellata*); Tarpon (*Megalops atlanticus*); and those species designated by regulation of the Department of Conservation and Natural Resources. The department shall by regulation to the extent possible establish a tagging system to regulate importation or sale of the above listed species or species added by regulation.

"(b) (j) In addition to the any other penalties provided in subsection (a) of this section, a violation of this section or any regulation promulgated pursuant to this section, shall be a Class B misdemeanor punishable as provided by law; provided, however, that there shall be a mandatory minimum fine of \$1,000 for first offenses of utilizing a net or seine without the required license or permit hereunder, and any subsequent violation of subsection (a) committed within a three-year period of the date of conviction shall be a Class A misdemeanor, punishable by a mandatory minimum fine of two thousand dollars (\$2,000) and a mandatory minimum imprisonment of 10 days. Any person violating this section or any regulation promulgated pursuant to this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction.

"A 10-point system is also hereby established to provide that in the event a person is convicted of the following offenses as set out in (1) - (5) below in a manner so as to acquire ten or more points within a three year period the department shall automatically and permanently revoke all licenses or permits issued and the licenses, permits, and any decal issued to that person shall be surrendered immediately by the licensee or permittee to the Director of the Division of Marine Resources upon conviction. Points shall be considered for a period of three years from the date of conviction and shall be as follows:

"(1) Sale, purchase, trade or barter of game fish, 10 points.

"(2) Fishing in closed areas, 5 points.

"(3) Retention of game fish, 5 points.

"(4) Fishing with improperly marked gear, 4 points.

"(5) Points for any other offense established or designated by regulation of the Department of Conservation and Natural Resources, shall be as provided in the regulation relating to the prohibitions of this section."

Section 3. No person shall do, or attempt to do, any of the following: sell, trade, or barter, or buy, trade for, or barter for, any saltwater game fish specified in Section 9-12-113 or by regulation of the Department of Conservation and Natural Resources. The first offense of this section shall be a Class B misdemeanor with a mandatory minimum fine of one thousand dollars (\$1,000). Any subsequent offenses shall be a Class A misdemeanor with a mandatory minimum fine of two thousand dollars (\$2,000), plus forfeiture of vehicle used in transporting the game fish. Any person violating this section or any regulation promulgated pursuant to this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction.

Section 4. Section 9-12-115, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

"§9-12-115.

"Each and every person, firm, or corporation holding a ~~wholesale~~ seafood dealer's license issued by the commissioner of conservation and natural resources or his or her authorized agent shall under oath make a ~~quarterly~~ monthly report to the Director of the Marine Resources Division of the department ~~commissioner of conservation and natural resources~~ on blanks provided for that purpose by ~~such the director commissioner of conservation and natural resources~~, which report shall show in detail the weight in pounds of each species of fish purchased from commercial fishermen during the preceding month. The reports required by this section ~~must~~ shall be in the hands of the ~~director commissioner of conservation and natural resources~~ by the first tenth day of each month for the immediately previous month ~~January, April, July and October of each year~~, and willful failure or refusal to make the report by the required date or upon notification by the ~~director commissioner of conservation and natural resources~~ that ~~such the~~ report has not been received or the filing of a false report shall be deemed a violation of this section, and the commissioner of conservation and natural resources shall have the discretion to suspend or cancel ~~such the~~ dealer's license until ~~such time as~~ the provisions of this section are complied with, and ~~such the~~ license shall not be used by any person, firm, or corporation until the ~~same~~ dealer's license is restored by ~~said the~~ commissioner of conservation and natural resources. The commissioner may, by regulation, require reports on a more frequent basis for those species managed under a quota system, with the same penalty provisions applicable for failure or refusal to report. The commissioner may by regulation, require the reports to be formatted to comply with gulf-wide trip tickets."

Section 5. All saltwater finfish commercially harvested in the State of Alabama, except those lawfully taken by purse seine, shall be landed in this state

and reported through a properly licensed Alabama seafood dealer. Other seafood products commercially harvested in this state shall be landed in this state, or in lieu thereof any subject person shall comply with any reporting procedures established by regulation of the Department of Conservation and Natural Resources. The Commissioner of the Department of Conservation and Natural Resources is hereby authorized to promulgate regulations which provide for and require reporting procedures for both resident and nonresident Alabama commercial fishermen who sell or land seafood products other than finfish outside the State of Alabama. Upon determination by the Commissioner of the Department of Conservation and Natural Resources that any subject person has failed to report as required, the commissioner may revoke any relevant commercial seafood license or permit he or she deems appropriate. Any person who violates this section or any regulation promulgated pursuant to this section, shall be guilty of a Class B misdemeanor, and upon conviction, shall be punished as provided in Sections 13A-5-7 and 13A-5-12, Code of Alabama 1975. Any person so convicted shall be fined not less than one thousand dollars (\$1,000). Any person violating this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction.

Section 6. Section 9-12-125, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

"§9-12-125.

"Any person, firm, or corporation who ~~shall engage~~ engages in the selling, brokering, trading, bartering, or processing of any fresh or frozen seafood, whether on a consignment basis or otherwise, is a seafood dealer and shall purchase a seafood dealer's license for a fee of two hundred dollars (\$200) for Alabama residents domiciled for a period of more than one continuous year immediately preceding date of issuance and four hundred dollars (\$400) for nonresidents except for residents of states which charge Alabama residents in excess of four hundred dollars (\$400) for the activity, in which case it shall be the amount the other state charges ~~\$125.00~~. To obtain the license, all entities other than brokers and licensed commercial shrimpers selling unprocessed shrimp shall have and present proof of a business license from the location of the business, a tax identification number, and the appropriate seafood processing health permit. ~~provided however, that this~~ This license is not required by nonresident seafood dealers buying from or selling to a licensed Alabama seafood dealer or licensed commercial fishermen when selling their catch to a licensed Alabama seafood dealer nor by retail grocers or restaurants where the seafood is cooked and sold for consumption on or off its premises; ~~provided however, that restaurants~~ Restaurants and retail grocers shall not purchase seafoods from any person, firm, or corporation that is not licensed to sell seafoods in Alabama ~~unless said restaurant or retail grocer shall have first purchased an Alabama seafood dealer's license~~. If the licensee owns or operates more than one place of business, then additional dealer's licenses must be purchased for each separate place of business, providing the location of each. A vehicle used solely for transporting seafoods to or from an Alabama seafood dealer is not considered a place of

business. ~~A Each vehicle or vessel from which seafood is sold to, or purchased from, any person, firm, or corporation other than an Alabama seafood dealer, is a place of business and must shall be licensed under the provisions of this section, and the owner~~ The seafood dealer shall purchase a license for each vehicle for a fee of one hundred dollars (\$100) per license and the operator of the vehicle shall have the original license in his or her possession when selling or buying seafood from that vehicle ~~shall provide the vehicle tag number or vessel name and registration number as well as his legal mailing address.~~ Seafood dealers may purchase seafoods only from commercial fishermen validly licensed in Alabama, Alabama seafood dealers, and any nonresident seller ~~which~~ who is validly licensed to sell seafoods under the laws of that state. It shall be unlawful for any person, firm, or corporation to sell, broker, trade, barter, or process seafoods as provided for in this section without first purchasing a seafood dealer's license. Any person, firm, or corporation violating ~~any of the provisions of this section shall, upon conviction, be guilty of a Class C misdemeanor, with a minimum mandatory fine of one thousand dollars (\$1,000) for first offenses, two thousand five hundred dollars (\$2,500) for second offenses within three years of the date of the first conviction, and five thousand dollars (\$5,000) and a mandatory jail sentence of 10 to 30 days for conviction of any subsequent offenses within three years of the date of the first conviction.~~

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, that Sections 2 and 6 of this act shall be effective October 1, 1995. Upon the effective date of this act no additional net or seine licenses, pursuant to Section 9-12-113 of the Code of Alabama 1975, shall be issued for the fiscal year 1994-95 license year.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry,

Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

-81

Nay:

Representative Willis.

- 1

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Navigation and Water Ways, said committee amendment being as follows:

Amend S. 424 on Page 4, Section 2b, line 15 by striking the section in its entirety and re-lettering subsequent paragraphs

Further amend on Page 14, Section 6, line 18 after the word "brokers" strike the following ~~and licensed commercial shrimpers selling unprocessed shrimp~~

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 83; Nays 1.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Cams, Clouse, Crigler, Curry, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

Nay:

Representative Carothers.

- 1

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Navigation and Waterways, said committee amendment being as follows:

Amend S. 424 on Page 6, Line 22, after the word "renewal" insert the following: ; or (3) if net and seine licenses were purchased every year from 1989 to 1993 and the applicant filed state income taxes in Alabama for that period

AMENDMENT TABLED

On motion of Representative Penry, the amendment #2 reported by the Standing Committee on Navigation and Waterways to the bill, S. 424, as amended, was tabled.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carothers, Clouse, Collins, Crigler, Dolbare, Drake, Dukes, Ford, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White, Willis and Wren.

-76

AMENDMENT OFFERED

Representative Penry offered the following amendment to the bill, S. 424, as amended:

On page 6, line 14, after the language "1993" delete the "semicolon" and insert in lieu thereof the following: 1

On page 6, line 14, after the "and" delete the following: (2)

On page 6, line 22, after the word "renewal" insert the following: ; or (2) proof that the applicant purchased a license under this section every year from 1989 through 1993, and the applicant filed Alabama state income tax returns during that period

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

Nay:

Representatives Newton (D) and Page.

- 2

And the bill, S. 424, as amended, was read a third time at length and passed.

Yeas 88; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

Nay:

Representative Box.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, S. 449, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Newton (D):

H.R. 296. MOURNING THE DEATH OF MR. JAMES "BUDDY" LEWIS OF BIRMINGHAM, ALABAMA.

S. 449 TAKEN UP

And the bill:

S. 449. To amend Section 40-9B-3, Code of Alabama 1975, and Acts 1993, 1st Extra Session, No. 93-851, p. 79, § 1, now appearing as Section 41-10-44.2,

Code of Alabama 1975; to expand the industrial or research enterprise categories which qualify for tax abatements and site preparation grants, respectively, to include cotton gins; and to provide a retroactive effective date.

was read a third time at length and passed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-88

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 691, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

And the bill:

H. 691. (With Amendment): To amend Section 23-1-280 of the Code of Alabama 1975, relating to the payment for the removal of nonconforming signs adjacent to a highway under certain circumstances; to provide that the owner of a lawfully erected sign would be paid monetary just compensation; to provide that payment would be pursuant to eminent domain; and to provide that amortization would not apply.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 691 on page 3, line 7 by adding after the word "monetary" the following: or

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Maull, McClammy, McDaniel, Melton, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-80

And the bill:

H. 691. To amend Section 23-1-280 of the Code of Alabama 1975, relating to the payment for the removal of nonconforming signs adjacent to a highway under certain circumstances; to provide that the owner of a lawfully erected sign would be paid monetary just compensation; to provide that payment would be pursuant to eminent domain; and to provide that amortization would not apply.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Knight (A), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 679.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 679, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Maull, McAdory, McClammy, McDaniel, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-78

And the bill:

H. 679. (With Amendment): To authorize and adopt a voluntary public-private non-profit partnership or trust agreement proposed by The Citizenship Trust; to enhance and expand citizenship education of young people; and to provide for the purposes, member parties, organization, structure, incorporation, non-profit status, powers, tax exemption from state and local taxes.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 679 on page 4, Article IV line 12 by adding after the word "State." the following: It

Further amend on page 4, line 12 by striking ~~to~~ and inserting in lieu thereof the word is

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-83

Nay:

Representative Carter.

AMENDMENT OFFERED

Representative Knight (A) offered the following amendment to the bill, H. 679, as amended:

On page 10, line 6, after the period add the following sentence: "Provided that the trust's "unrelated business taxable income" as determined in accordance with 26 U.S.C. 512, as in effect from time to time, shall be subject to the tax levied by Section 40-18-31, Code of Alabama 1975, as amended."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-83

And the bill:

H. 679. To authorize and adopt a voluntary public-private non-profit partnership or trust agreement proposed by The Citizenship Trust; to enhance and expand citizenship education of young people; and to provide for the purposes, member parties, organization, structure, incorporation, non-profit status, powers, tax exemption from state and local taxes.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes,

Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-83

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 285. HONORING WALTER L. NORTHINGTON FOR HIS YEARS OF SERVICE TO THE STATE OF ALABAMA, DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS.

McDOWELL LEE
Secretary

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 255. RELATIVE TO MEETING DAYS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint

Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 691. To amend Section 23-1-280 of the Code of Alabama 1975, relating to the payment for the removal of nonconforming signs adjacent to a highway under certain circumstances; to provide that the owner of a lawfully erected sign would be paid monetary just compensation; to provide that payment would be pursuant to eminent domain; and to provide that amortization would not apply.

TOMMY CARTER
Chairman

And the bill, H. 691, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 839. Relating to Autauga County; to levy and collect an eight mill countywide ad valorem tax and a one cent countywide sales tax for education, improvement of unpaved roads, courthouse complex facilities, volunteer fire departments, and for Prattville, Autaugaville, and Billingsley.

TOMMY CARTER
Chairman

And the bill, H. 839, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 164. To amend Section 2-3-22, Code of Alabama 1975, providing the Commissioner of the Department of Agriculture and Industries authority to employ one person in the unclassified service as an agricultural industrial recruiter for the department.

TOMMY CARTER
Chairman

And the bill, H. 164, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 296. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special fund and making an appropriation from the fund for fiscal years ending September 30, 1995 and September 30, 1996, and providing for a prospective effective date.

TOMMY CARTER
Chairman

And the bill, H. 296, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 612. Relating to Calhoun County; to authorize any city in the county and the county commission to declare noxious or dangerous weeds growing upon the streets, roads, or sidewalks, or upon private property within the city or county, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned or unsafe construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon the streets, roads, or sidewalks or upon which the nuisance exists for the cost of abatement.

TOMMY CARTER
Chairman

And the bill, H. 612, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 67. To provide for the regulation of consumer debt collectors; to provide for an appropriation; to create a special fund in the State Treasury; and to provide penalties for violations.

TOMMY CARTER
Chairman

And the bill, H. 67, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 542, was adopted.

Yeas 82; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-82

Nay:

Representatives Gaines, Hall (A), Page, Robinson and Thomas (D).

- 5

And the bill:

H. 542. (With Substitute): To amend Sections 40-10-1, 40-10-2, 40-10-9, 40-10-10, and 40-10-18 of the Code of Alabama 1975, relating to sales of lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales and to provide for certain redemption procedures.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-10-1, 40-10-2, 40-10-9, 40-10-10, and 40-10-18 of the Code of Alabama 1975, relating to sales of lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales and to provide for certain redemption procedures.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds all of the following:

(1) It is estimated that Alabama counties, which collect tax for themselves and other governmental entities within their counties, have several million dollars outstanding as accounts receivable from unpaid secured roll real property tax obligations. These obligations owed to Alabama counties have largely been under-performing assets that could be converted to cash and provide counties and other governmental entities with much needed revenues.

(2) Many counties and other governmental entities have had to reduce essential services and curtail some functions that have historically been performed by government. Public protection agencies in many of these counties and other governmental entities have had law enforcement positions reduced or eliminated.

(3) The Legislature declares that the purpose of this act is to provide counties with the option of selling their outstanding secured roll real property tax accounts receivable and thereby realize immediate cash in order to meet the ongoing services required by counties and the other governmental entities for which the counties collect tax. Upon such a sale, the purchaser of the receivables obtains the right to collect all outstanding delinquent taxes, penalties, interest, and costs with respect thereto.

Section 2. Sections 40-5-44, 40-10-1, 40-10-2, 40-10-9, 40-10-10, 40-10-11, 40-10-19, 40-10-129, and 40-10-134 Code of Alabama 1975, are amended to read as follows:

"§40-5-44.

On or before July 1 in each year, the tax collector must make final settlement, under oath, with the comptroller, of all matters pertaining to the office of tax collector and pay over to the State Treasurer the balance which may be found due from him for taxes with which he is chargeable under the laws of the

state, and at that time he must also account to the comptroller and pay over to the proper governmental ageneies authorities and any holder of a tax lien certificate issued pursuant to this amendatory act all money received by him for the sale of lands and other property which may have been sold for payment of taxes and also account to the comptroller for all lands bought by the state. He must also report under oath to the comptroller and pay over to the State Treasurer all escaped taxes assessed and collected by him. For failure of any tax collector to make any of the settlements herein required to be made by July 10 of each year, he shall forfeit \$10 per day, which shall be deducted from the amount of commissions due and payable to him on such settlements respectively; and it shall be the duty of the comptroller, or the county treasurer, or the custodian of the county funds, as the case may be, to withhold all commissions in cases where settlements are not made by July 10 of each year."

"§40-10-1.

"The probate court of each county ~~is empowered to~~ may order the sale of lands therein for the payment of taxes assessed on ~~such the~~ lands, or against the owners thereof of the lands, when the tax collector shall report to the court that he or she or the holder of a tax lien issued pursuant to this amendatory act was unable to collect the taxes assessed against ~~such the~~ land, or any mineral, timber or water right or special right, or easement therein, or the owner thereof, without a sale of ~~such the~~ land."

"§40-10-2.

~~"It shall be the duty of the~~ The tax collector shall, at the expense of the county, ~~to procure a substantially bound book in which he or she shall enter, in the manner usual in docketing causes for trial in the circuit court, each parcel of real estate, or right or interest, or easement therein, assessed to any person against whom taxes have been assessed which are not paid or, if the tax collector has received written notice from the holder of a tax certificate, issued pursuant to this amendatory act, requesting that the tax collector list the property described in such tax certificate in the book of lands prepared pursuant to this section 40-10-2, have been paid by the holder of such holder of a tax lien certificate, when a portion of all such the taxes are on such the real estate or right or interest or easement therein, describing the same in the same manner as it is described in the assessment list or the record of tax lien sales kept pursuant to this amendatory act, if applicable, and stating the amount of the unpaid taxes (or taxes paid by the holder of a tax lien certificate), penalties, fees, and charges due by such the person, specifying the amount due the state and due the county and to special tax districts, and to the holder of a tax lien certificate issued pursuant to this amendatory act and that the amount for fees and charges; and he or she shall in like manner enter in such the book each parcel of real estate, or right or interest or easement therein, which has been assessed to an "owner unknown," the amount of taxes, fees, and charges due thereon or paid by the holder of a tax lien certificate, stating in each case the fact that it was so assessed. The description of such the real estate, or right or interest or easement therein, shall be entered in alphabetical order, if~~

known and they reside in the county, but if they are unknown and do not reside in the county, then by the precincts in which the real estate is situated."

"§40-10-9.

~~"It shall be the duty of the~~ The tax collector ~~to shall~~ attend the several terms of the probate court at which any of ~~such the~~ causes are triable and to have with him or her his or her tax book; and his or her record of tax lien sales kept pursuant to this amendatory act, and ~~such the~~ tax book and record of tax lien sales shall, in all cases, be accepted as prima facie evidence of the amount of taxes and fees due and that the same have been properly assessed and charged and are unpaid or have been paid by the holder of a tax lien certificate."

"§40-10-10.

"If on account of illness or other good and sufficient cause the tax collector is unable to attend any term of court at which any of ~~such the~~ causes are triable, his or her deputy may attend in his or her stead and produce the tax book and the record of tax lien sales kept pursuant to this amendatory act as required of the tax collector."

"§40-10-11.

"If service of such notice is perfected 10 days before the commencement of the term to which the same is returnable, the cause shall stand for trial at such term; and if no defense is interposed or if interposed and on trial thereof the same is adjudged insufficient in law or is not sustained by the evidence adduced, the probate court shall make and enter on such book or docket, a decree of sale substantially in the following form: "It appearing to the court that the taxes have been assessed against the person mentioned in this cause (or if the assessment is to owner unknown that the taxes have been assessed on real estate mentioned in this cause) to the amount of (state amount here) dollars for the year..., and that the same are still due and unpaid or have been paid by the holder of a tax lien certificate, and it further appearing that notice of this proceeding has been given as required by law, and no valid defense has been interposed against the sale of such real estate for the payment of the taxes or the tax lien certificates, if applicable, it is therefore ordered, decreed and adjudged by the court that the State of Alabama and with respect to each tax lien certificate, the holder of such tax lien certificate, respectively, ~~have~~ has a lien for the payment of said amount and for the additional sum of (state amount here) dollars, for fees, charges and costs in this behalf lawfully incurred, on the following described real estate: (Here insert description of real estate). It is further ordered, adjudged and decreed by the court that said real estate or so much thereof as may be necessary be sold for the payment of said delinquent taxes or tax lien certificates and of said fees, charges and costs, and of the expenses of such sale." Such decree when entered shall be signed by the judge of probate and shall have, when the jurisdiction of the court is shown, the effect of judgments in other cases in courts of record."

"§40-10-19.

"As soon after the confirmation of sale is made as may be practicable, the tax collector must make out and deliver to each purchaser, other than the state, a certificate of purchase, which shall contain a description of the real estate sold and show that the sum was assessed by the assessor, to whom assessed, the date of assessment, for what year or years the taxes were due, the amount of taxes thereon, the amount of and the name of the holder of each tax lien certificate related thereto, distinguishing the amount due the state and county and for school purposes and to each holder of a tax lien certificate and the fees and costs, that it was advertised and how long, that it was offered for sale and at what time, who became the purchaser, at what price and the fact and date of the confirmation of such sale."

"§40-10-129.

"When lands which have been bid in by the state are redeemed, the judge of probate must immediately pay over to the tax collector of the county the entire amount of money received by such judge of probate on such redemption. The tax collector shall pay over to the proper authorities the fees of such officers that accrued in the sale and shall determine the proportionate amounts of the redemption money belonging to the state, including advertising fees, and the amounts of such redemption money belonging to the county and to the school fund and to any municipality and to each holder of a tax lien certificate. The tax collector shall monthly, by the tenth day of the month next after the month in which the redemption was made, pay over such proportions to the proper authorities, respectively, after deducting therefrom the commissions allowed by law to tax collectors for collecting taxes; and he shall certify to the land commissioner and to the county treasurer, upon blanks to be furnished by the State Comptroller, a full descriptive statement of all real estate bid in by the state and redeemed, showing separately the amount of state, county, municipal, and school taxes and tax lien certificates and penalties and costs embraced in and covered by the redemption so reported. At the end of any month during which no land has been redeemed, the judge of probate shall report that fact to the land commissioner and to the tax collector."

"§40-10-134.

"When lands have been sold for taxes and bought in for the State of Alabama and have not been redeemed or sold by the state and a period of five years had elapsed from the date of sale to the state, the land commissioner, with the approval of the Governor, may sell the same at private sale to any purchaser for cash at the best price obtainable, irrespective of the amount of taxes due, after giving notice as provided for in Section 40-10-133; provided that the holder of a tax lien certificate related to such land shall be given the option to purchase such land for an amount equal to the best price offered by any purchaser at a private sale."

Section 3. For purposes of this act, "tax lien" means the perpetual first priority lien provided by Section 40-1-3, Code of Alabama 1975, against any parcel of real property representing taxes assessed and levied against the property, together with interest, penalties, and costs applicable by law to the taxes.

Section 4. (a) All tax liens representing unpaid and delinquent taxes on real property shall be subject to a tax lien sale as provided in this act.

(b) The county commission of any county may, by resolution, adopt a procedure for the sale and transfer of tax liens by the tax collector, subject to this act. Tax liens may be sold individually or in any lot or block to any person and pursuant to any procedure deemed appropriate by the county commission. Any procedure for the sale of tax liens adopted pursuant to this section shall provide for notice to the delinquent taxpayer of the sale in a manner and at a time deemed appropriate by the county commission.

(c) The tax collector may sell tax liens representing delinquent taxes for any prior year of assessment, provided that any single tax lien to be sold shall relate to only one year of assessment and shall not be aggregated with any other tax lien for another year on the same parcel.

(d) Except as otherwise provided in this act, a tax lien sale with respect to any delinquent property shall be in lieu of all other remedies provided by law for the collection of delinquent taxes for the relevant year of assessment by the county or the tax collector.

Section 5. Prior to any tax lien sale, the tax collector shall prepare and maintain a list of all tax liens which the county commission has directed him or her to sell. The list shall be known as the tax lien sale list and shall contain all of the following:

(1) The names of the several persons appearing in the latest tax roll as the respective owners of tax-delinquent properties.

(2) A description of each property as it appears in the latest tax roll.

(3) The year or years for which taxes are delinquent on each property.

(4) The principal amount of the delinquent taxes and the amount of accrued and accruing interest thereon to the day of the proposed tax lien sale relating to each year of assessment.

Section 6. (a) Tax lien sales shall be conducted by the tax collector on the dates and times directed by the county commission. On the day designated for a tax lien sale, the tax collector shall proceed to sell, pursuant to the procedure adopted by the county commission, all tax liens described in the tax lien sale list compiled as provided in Section 5 of this act, except those for which the taxes, penalties, interest, and costs thereon have been paid or deferred. Any delinquent

property for which a tax lien remains unsold after a tax lien sale shall be subject to any other remedies provided by law for the collection of the delinquent taxes.

(b) Where two or more lots or parcels are assessed as one parcel, the tax liens on them may be sold as a single tax lien on one parcel.

(c) The sale of a tax lien does not extinguish any deed restriction, deed covenant, or easement on or appurtenant to the parcel.

Section 7. When a tax lien is offered for sale, it shall not be necessary to list or sell it as being against the property of any specific person. The sale is not invalid by reason of the fact that the property was assessed in the name of a person other than the rightful owner or to a person unknown, if the description of the real estate in the tax lien sale list is sufficient to identify it and includes the amount of taxes, interest, penalties, and costs for which its tax lien is to be sold.

Section 8. (a) The purchase price for a tax lien shall be any amount deemed appropriate by the county commission. Notwithstanding the foregoing, no tax lien may be sold for an amount less than the amount of delinquent taxes due on the property, exclusive of all penalties, interest, and costs added thereto as of the date of the sale.

(b) The purchase price for a tax lien shall be paid to the tax collector in cash or immediately available certified funds within 24 hours of the time of sale.

(c) The purchase price for a tax lien received by the tax collector shall be credited to the tax collector for purposes of calculating commissions, if any, on taxes collected by the tax collector pursuant to Section 40-5-4, Code of Alabama 1975.

Section 9. (a) The tax collector shall make, execute, and deliver a tax lien certificate to each purchaser at the tax lien sale or to each assignee thereafter and shall collect from the purchaser or assignee a fee of one dollar (\$1) for each tax lien certificate.

(b) A tax lien certificate shall evidence the sale or assignment to the holder of the tax lien certificate of the delinquent and unpaid taxes, penalties, interest, and costs set forth therein and represented by the tax lien, and the right to receive amounts in respect thereof as provided in this act.

(c) A tax lien certificate shall bear interest at the rate of 12 percent per annum on the amount of all taxes, penalties, interest, and costs due on the property from the date of the sale of the tax lien to the original purchaser until the tax lien certificate is redeemed as provided by law, or the property is sold pursuant to a decree for sale of real estate required by Section 40-10-11, Code of Alabama 1975.

(d) The tax lien certificate shall (i) describe the real property on which a tax lien is sold as it is described in the tax lien sale list, (ii) specify the date on which the tax lien was sold to the original purchaser, (iii) specify the year of assessment to which the tax lien relates and the amount for which the tax lien was sold to the original purchaser, (iv) recite the amount of all taxes, penalties, interest, and costs due on the property, which relate to the year of assessment described in (iii) above, as of the date specified in (ii) above, and (v) recite that the certificate bears interest at the rate of 12 percent per annum on the amount described in (iv) above from the date specified in (ii) above.

(e) The purchaser of a tax lien certificate may transfer and assign the certificate to any person, and the transferee of a tax lien certificate may subsequently transfer the certificate to any other person. The transferor of a tax lien certificate shall endorse the certificate and shall swear to the endorsement before a notary public or other officer empowered to administer oaths. The transferee shall present the endorsed tax lien certificate to the tax collector who prepared and sold the certificate, or his or her successor, who, for a fee of one dollar (\$1), shall acknowledge the transfer on the certificate and shall make note of the transfer on the record of tax lien sales kept as provided in Section 10 of this act. An assignment and transfer as provided in this subsection shall vest in the assignee all the right and title of the original purchaser.

(f) A security interest in a tax lien certificate may be created and perfected in the manner provided for general intangibles under Title 7 of the Code of Alabama 1975.

Section 10. The tax collector shall make a correct record of all sales of tax liens pursuant to this act in a durable book, which shall be known as the record of tax lien sales, containing all of the following:

- (1) The date of sale.
- (2) A description of each parcel on which a tax lien was sold.
- (3) The year of assessment to which the tax lien relates.
- (4) The name of property owner, if known.
- (5) The name and address of original purchaser of the tax lien.
- (6) The total amount of taxes, interest, penalties, and costs due on the tax lien, which relate to the year of assessment, as described in Section 9 of this act, as of the date of the sale of the tax lien to the original purchaser.
- (7) The amount of any subsequent taxes, penalties, interest, and costs paid by the original purchaser, or assignee, of the tax lien certificate as provided in Section 13 of this act and the year of assessment to which the payment relates.

(8) The name and address of the assignee, if any, and the date of assignment of the tax lien certificate.

(9) The name of the person redeeming and the date of redemption.

(10) The total amount paid for redemption.

(11) The date of any decree of sale pursuant to Section 40-10-11, Code of Alabama 1975, with respect to the property.

Section 11. For purposes of this act, "holder of the tax lien certificate" means the original purchaser of a tax lien or any assignee thereof as described in the record of tax lien sales kept by the tax collector pursuant to Section 10 of this act.

Section 12. When a tax lien certificate is lost or destroyed, the holder of the tax lien certificate may file a notarized affidavit with the tax collector attesting to the loss of the certificate. Upon presentation of the notarized affidavit, the tax collector shall on payment of a fee of ten dollars (\$10) issue to the holder thereof an exact duplicate of the tax lien certificate.

Section 13. (a) The holder of an outstanding tax lien certificate shall have the first right to purchase the tax lien relating to a subsequent delinquency on the property described in the tax lien certificate of the holder. As soon as practicable after the occurrence of the subsequent delinquency, the tax collector shall notify via certified mail, the holder of the outstanding tax lien certificate of the subsequent delinquency and offer to sell the tax lien related thereto to the holder. Within 90 days following the receipt of notice from the tax collector, the holder of the tax lien certificate shall be entitled to purchase the tax lien described in the notice from the tax collector for a purchase price equal to the amount of subsequent delinquent taxes, interest, penalties, and costs, if any, upon the property, less an amount proportionate to any discount permitted to the original purchaser on the purchase price paid with respect to the holder's outstanding tax lien certificate. If the holder elects to purchase the subsequent tax lien, the tax collector shall make, execute, and deliver a tax lien certificate to the holder in the form and in the manner described in Section 9 of this act and shall collect a fee of five dollars (\$5) from the holder.

(b) If the holder fails to acquire the subsequent tax lien within the time period specified in subsection (a), the tax collector shall be free to pursue any other remedy provided by law for the collection of the delinquent tax, including the sale of the tax lien if so directed by the county commission.

Section 14. All monies collected or received by the tax collector as proceeds of a tax sale pursuant to this act shall be distributed in the same manner and proportions as the tax collector is required by law to distribute other monies collected by him or her in satisfaction of ad valorem taxes.

Section 15. (a) Tax liens sold under this act may be redeemed by the owner, his or her agent, assignee, or attorney, or by any person having a legal or equitable claim in the underlying property, at any time prior to entry of a decree of sale in an action authorized by Section 40-10-11, Code of Alabama 1975, by payment to the tax collector of the amount specified on the tax lien certificate as the total amount of delinquent tax, interest, penalty, and costs due on the delinquent property, plus interest at the rate specified in the tax lien certificate.

(b) Statutory fees paid by the holder of the tax lien certificate in connection with the tax lien certificate shall be added to the amount payable on redemption and shall also bear interest at the rate of interest specified in the tax lien certificate.

Section 16. (a) The tax collector shall, upon application to redeem a tax lien sold under this act, and upon being satisfied that the person applying has the right to redeem the tax lien, and upon payment of the amount due, issue to the person a certificate of redemption describing the parcel on which the tax lien is redeemed, giving the date of redemption, the amount paid, and by whom redeemed, and shall make the proper entries in the record of tax lien sales in his or her office.

(b) For each certificate of redemption, the tax collector shall collect a fee of ten dollars (\$10) from the person to whom the certificate of redemption is issued.

(c) The holder of a certificate of redemption may record the certificate with the recording officer of the county.

Section 17. A person owning an interest less than the whole in real property may redeem a tax lien against his or her interest, if the interest can be ascertained by legal description provided to the tax collector, by paying the proportionate part of the whole amount due, and shall receive a certificate of redemption for his or her interest in the manner provided by this act.

Section 18. Within 10 days of issuance of any certificate of redemption, the tax collector shall mail a certified copy of the certificate of redemption to the holder of the tax lien certificate related thereto at the address specified in the record of tax lien sales kept as provided in Section 10 of this act. On demand of any person entitled to redemption money held by the tax collector, he or she shall pay the money to the person upon surrender of the tax lien certificate for the redeemed tax lien. If only a portion of the tax lien on the property described in the tax lien certificate has been redeemed, the tax collector shall endorse on the tax lien certificate the portion redeemed and the amount of money paid to the holder of the tax lien certificate, and shall take a receipt therefor.

Section 19. Each holder of a tax lien certificate, desiring to have the probate court order the sale of property for the payment of taxes, shall provide written notice to the tax collector on or before February 1 which contains the following information: (i) A description of the parcel to which the tax lien certificate relates; (ii) the year of assessment to which the tax lien certificate relates; (iii) the name

and address of the holder of the tax lien certificate; and (iv) a statement by the holder of the tax lien certificate that he or she is unable to collect the delinquent taxes described in his or her tax lien certificate without a sale of the property and requesting that the tax collector list the property in the book of lands prepared pursuant to Section 40-10-2, Code of Alabama 1975, and delivered to the judge of probate pursuant to Section 40-10-3, Code of Alabama 1975.

Section 20. Each holder of a tax lien certificate shall be entitled to the same rights and remedies with respect to the collection of the amounts due on such tax lien certificate as are available to the tax collector with respect to the collection of delinquent taxes, including, but not limited to, the right to institute garnishment proceedings against the taxpayer for the payment of taxes.

Section 21. This act shall become effective on October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 68; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Layson, Letson, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morton, Newton (C), Newton (D), Papucci, Parker (T), Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

-68

Nay:

Representative Page.

- 1

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 754. To amend Section 22-21-265 of the Code of Alabama 1975, relating to the certificate of need process for new institutional health services and providing an exemption for an increase in the bed number by a skilled nursing facility or intermediate care facility under certain conditions; to ratify certain actions taken by the State Health Planning and Development Agency; and to specify rounding of certain occupancy rates to the nearest whole number.

TOMMY CARTER
Chairman

And the bill, H. 754, as engrossed, was ordered sent to the Senate.

H. 542 RESUMED

AMENDMENT OFFERED

Representative Hammett offered the following amendment to the bill, H. 542, as amended:

Amend Substitute to H. 542, Page 21, Section 20, Line 14, after the word "taxes" by striking the "-" and inserting the following language: ; furthermore the holder of a tax lien certificate shall not be entitled to charge the taxpayer for the release or satisfaction of the tax lien any amount more than what would otherwise have been available to the tax collector with respect to the collection of the delinquent tax.

Further amend Substitute to H. 542, Page 21, Section 21, Line 16, after the word and number "October 1, 1995" by inserting the following language: , after its passage and approval by the Governor, or upon its otherwise becoming a law

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 1.

Yea:

Representatives Allen, Bandy, Black (L), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Layson, Letson, Maull, McAdory, McClammy, McDaniel, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey,

Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-77

Nay:

Representative Page.

- 1

S. 482 SUBSTITUTED FOR H. 542

In accordance with House Rule 20 and on motion of Representative Hammett, the bill, S. 482, was substituted for the bill, H. 542, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, S. 482, was adopted.

Yeas 82; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-82

Nay:

Representatives Gaines, Hall (A) and Robinson.

- 3

And the bill:

S. 482. (With Substitute): To amend Sections 40-10-1, 40-10-2, 40-10-9, 40-10-10, and 40-10-18 of the Code of Alabama 1975, relating to the sales of

lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales; and to provide for certain redemption procedures.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-10-1, 40-10-2, 40-10-9, 40-10-10, and 40-10-18 of the Code of Alabama 1975, relating to sales of lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales and to provide for certain redemption procedures.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds all of the following:

(1) It is estimated that Alabama counties, which collect tax for themselves and other governmental entities within their counties, have several million dollars outstanding as accounts receivable from unpaid secured roll real property tax obligations. These obligations owed to Alabama counties have largely been under-performing assets that could be converted to cash and provide counties and other governmental entities with much needed revenues.

(2) Many counties and other governmental entities have had to reduce essential services and curtail some functions that have historically been performed by government. Public protection agencies in many of these counties and other governmental entities have had law enforcement positions reduced or eliminated.

(3) The Legislature declares that the purpose of this act is to provide counties with the option of selling their outstanding secured roll real property tax accounts receivable and thereby realize immediate cash in order to meet the ongoing services required by counties and the other governmental entities for

which the counties collect tax. Upon such a sale, the purchaser of the receivables obtains the right to collect all outstanding delinquent taxes, penalties, interest, and costs with respect thereto.

Section 2. Sections 40-5-44, 40-10-1, 40-10-2, 40-10-9, 40-10-10, 40-10-11, 40-10-19, 40-10-129, and 40-10-134 Code of Alabama 1975, are amended to read as follows:

"§40-5-44.

On or before July 1 in each year, the tax collector must make final settlement, under oath, with the comptroller, of all matters pertaining to the office of tax collector and pay over to the State Treasurer the balance which may be found due from him for taxes with which he is chargeable under the laws of the state, and at that time he must also account to the comptroller and pay over to the proper governmental ~~agencies~~ authorities and any holder of a tax lien certificate issued pursuant to this amendatory act all money received by him for the sale of lands and other property which may have been sold for payment of taxes and also account to the comptroller for all lands bought by the state. He must also report under oath to the comptroller and pay over to the State Treasurer all escaped taxes assessed and collected by him. For failure of any tax collector to make any of the settlements herein required to be made by July 10 of each year, he shall forfeit \$10 per day, which shall be deducted from the amount of commissions due and payable to him on such settlements respectively; and it shall be the duty of the comptroller, or the county treasurer, or the custodian of the county funds, as the case may be, to withhold all commissions in cases where settlements are not made by July 10 of each year."

"§40-10-1.

"The probate court of each county ~~is empowered to~~ may order the sale of lands therein for the payment of taxes assessed on ~~such the~~ the lands, or against the owners ~~thereof of the lands~~, when the tax collector shall report to the court that he or she or the holder of a tax lien issued pursuant to this amendatory act was unable to collect the taxes assessed against ~~such the~~ the land, or any mineral, timber or water right or special right, or easement therein, or the owner thereof, without a sale of ~~such the~~ the land."

"§40-10-2.

~~"It shall be the duty of the~~ The tax collector shall, at the expense of the county, ~~to procure a substantially bound book in which he or she shall enter, in the manner usual in docketing causes for trial in the circuit court, each parcel of real estate, or right or interest, or easement therein, assessed to any person against whom taxes have been assessed which are not paid or, if the tax collector has received written notice from the holder of a tax certificate, issued pursuant to this amendatory act, requesting that the tax collector list the property described in such tax certificate in the book of lands prepared pursuant to this section 40-10-2, have~~

been paid by the holder of such holder of a tax lien certificate, when a portion of all such the taxes are on such the real estate or right or interest or easement therein, describing the same in the same manner as it is described in the assessment list or the record of tax lien sales kept pursuant to this amendatory act, if applicable, and stating the amount of the unpaid taxes (or taxes paid by the holder of a tax lien certificate), penalties, fees, and charges due by such the person, specifying the amount due the state and due the county and to special tax districts, and to the holder of a tax lien certificate issued pursuant to this amendatory act and that the amount for fees and charges; and he or she shall in like manner enter in such the book each parcel of real estate, or right or interest or easement therein, which has been assessed to an "owner unknown," the amount of taxes, fees, and charges due thereon or paid by the holder of a tax lien certificate, stating in each case the fact that it was so assessed. The description of such the real estate, or right or interest or easement therein, shall be entered in alphabetical order, if known and they reside in the county, but if they are unknown and do not reside in the county, then by the precincts in which the real estate is situated."

"§40-10-9.

"It shall be the duty of the The tax collector to shall attend the several terms of the probate court at which any of such the causes are triable and to have with him or her his or her tax book; and his or her record of tax lien sales kept pursuant to this amendatory act, and such the tax book and record of tax lien sales shall, in all cases, be accepted as prima facie evidence of the amount of taxes and fees due and that the same have been properly assessed and charged and are unpaid or have been paid by the holder of a tax lien certificate."

"§40-10-10.

"If on account of illness or other good and sufficient cause the tax collector is unable to attend any term of court at which any of such the causes are triable, his or her deputy may attend in his or her stead and produce the tax book and the record of tax lien sales kept pursuant to this amendatory act as required of the tax collector."

"§40-10-11.

"If service of such notice is perfected 10 days before the commencement of the term to which the same is returnable, the cause shall stand for trial at such term; and if no defense is interposed or if interposed and on trial thereof the same is adjudged insufficient in law or is not sustained by the evidence adduced, the probate court shall make and enter on such book or docket, a decree of sale substantially in the following form: "It appearing to the court that the taxes have been assessed against the person mentioned in this cause (or if the assessment is to owner unknown that the taxes have been assessed on real estate mentioned in this cause) to the amount of (state amount here) dollars for the year..., and that the same are still due and unpaid or have been paid by the holder of a tax lien certificate, and it further appearing that notice of this proceeding has been given

as required by law, and no valid defense has been interposed against the sale of such real estate for the payment of the taxes or the tax lien certificates, if applicable, it is therefore ordered, decreed and adjudged by the court that the State of Alabama and with respect to each tax lien certificate, the holder of such tax lien certificate, respectively, have ~~has~~ a lien for the payment of said amount and for the additional sum of (state amount here) dollars, for fees, charges and costs in this behalf lawfully incurred, on the following described real estate: (Here insert description of real estate). It is further ordered, adjudged and decreed by the court that said real estate or so much thereof as may be necessary be sold for the payment of said delinquent taxes or tax lien certificates and of said fees, charges and costs, and of the expenses of such sale." Such decree when entered shall be signed by the judge of probate and shall have, when the jurisdiction of the court is shown, the effect of judgments in other cases in courts of record."

"§40-10-19.

"As soon after the confirmation of sale is made as may be practicable, the tax collector must make out and deliver to each purchaser, other than the state, a certificate of purchase, which shall contain a description of the real estate sold and show that the sum was assessed by the assessor, to whom assessed, the date of assessment, for what year or years the taxes were due, the amount of taxes thereon, the amount of and the name of the holder of each tax lien certificate related thereto, distinguishing the amount due the state and county and for school purposes and to each holder of a tax lien certificate and the fees and costs, that it was advertised and how long, that it was offered for sale and at what time, who became the purchaser, at what price and the fact and date of the confirmation of such sale."

"§40-10-129.

"When lands which have been bid in by the state are redeemed, the judge of probate must immediately pay over to the tax collector of the county the entire amount of money received by such judge of probate on such redemption. The tax collector shall pay over to the proper authorities the fees of such officers that accrued in the sale and shall determine the proportionate amounts of the redemption money belonging to the state, including advertising fees, and the amounts of such redemption money belonging to the county and to the school fund and to any municipality and to each holder of a tax lien certificate. The tax collector shall monthly, by the tenth day of the month next after the month in which the redemption was made, pay over such proportions to the proper authorities, respectively, after deducting therefrom the commissions allowed by law to tax collectors for collecting taxes; and he shall certify to the land commissioner and to the county treasurer, upon blanks to be furnished by the State Comptroller, a full descriptive statement of all real estate bid in by the state and redeemed, showing separately the amount of state, county, municipal, and school taxes and tax lien certificates and penalties and costs embraced in and covered by the redemption so reported. At the end of any month during which no land has been redeemed, the judge of probate shall report that fact to the land commissioner and to the tax collector."

"§40-10-134.

"When lands have been sold for taxes and bought in for the State of Alabama and have not been redeemed or sold by the state and a period of five years had elapsed from the date of sale to the state, the land commissioner, with the approval of the Governor, may sell the same at private sale to any purchaser for cash at the best price obtainable, irrespective of the amount of taxes due, after giving notice as provided for in Section 40-10-133; provided that the holder of a tax lien certificate related to such land shall be given the option to purchase such land for an amount equal to the best price offered by any purchaser at a private sale."

Section 3. For purposes of this act, "tax lien" means the perpetual first priority lien provided by Section 40-1-3, Code of Alabama 1975, against any parcel of real property representing taxes assessed and levied against the property, together with interest, penalties, and costs applicable by law to the taxes.

Section 4. (a) All tax liens representing unpaid and delinquent taxes on real property shall be subject to a tax lien sale as provided in this act.

(b) The county commission of any county may, by resolution, adopt a procedure for the sale and transfer of tax liens by the tax collector, subject to this act. Tax liens may be sold individually or in any lot or block to any person and pursuant to any procedure deemed appropriate by the county commission. Any procedure for the sale of tax liens adopted pursuant to this section shall provide for notice to the delinquent taxpayer of the sale in a manner and at a time deemed appropriate by the county commission.

(c) The tax collector may sell tax liens representing delinquent taxes for any prior year of assessment, provided that any single tax lien to be sold shall relate to only one year of assessment and shall not be aggregated with any other tax lien for another year on the same parcel.

(d) Except as otherwise provided in this act, a tax lien sale with respect to any delinquent property shall be in lieu of all other remedies provided by law for the collection of delinquent taxes for the relevant year of assessment by the county or the tax collector.

Section 5. Prior to any tax lien sale, the tax collector shall prepare and maintain a list of all tax liens which the county commission has directed him or her to sell. The list shall be known as the tax lien sale list and shall contain all of the following:

(1) The names of the several persons appearing in the latest tax roll as the respective owners of tax-delinquent properties.

(2) A description of each property as it appears in the latest tax roll.

(3) The year or years for which taxes are delinquent on each property.

(4) The principal amount of the delinquent taxes and the amount of accrued and accruing interest thereon to the day of the proposed tax lien sale relating to each year of assessment.

Section 6. (a) Tax lien sales shall be conducted by the tax collector on the dates and times directed by the county commission. On the day designated for a tax lien sale, the tax collector shall proceed to sell, pursuant to the procedure adopted by the county commission, all tax liens described in the tax lien sale list compiled as provided in Section 5 of this act, except those for which the taxes, penalties, interest, and costs thereon have been paid or deferred. Any delinquent property for which a tax lien remains unsold after a tax lien sale shall be subject to any other remedies provided by law for the collection of the delinquent taxes.

(b) Where two or more lots or parcels are assessed as one parcel, the tax liens on them may be sold as a single tax lien on one parcel.

(c) The sale of a tax lien does not extinguish any deed restriction, deed covenant, or easement on or appurtenant to the parcel.

Section 7. When a tax lien is offered for sale, it shall not be necessary to list or sell it as being against the property of any specific person. The sale is not invalid by reason of the fact that the property was assessed in the name of a person other than the rightful owner or to a person unknown, if the description of the real estate in the tax lien sale list is sufficient to identify it and includes the amount of taxes, interest, penalties, and costs for which its tax lien is to be sold.

Section 8. (a) The purchase price for a tax lien shall be any amount deemed appropriate by the county commission. Notwithstanding the foregoing, no tax lien may be sold for an amount less than the amount of delinquent taxes due on the property, exclusive of all penalties, interest, and costs added thereto as of the date of the sale.

(b) The purchase price for a tax lien shall be paid to the tax collector in cash or immediately available certified funds within 24 hours of the time of sale.

(c) The purchase price for a tax lien received by the tax collector shall be credited to the tax collector for purposes of calculating commissions, if any, on taxes collected by the tax collector pursuant to Section 40-5-4, Code of Alabama 1975.

Section 9. (a) The tax collector shall make, execute, and deliver a tax lien certificate to each purchaser at the tax lien sale or to each assignee thereafter and shall collect from the purchaser or assignee a fee of one dollar (\$1) for each tax lien certificate.

(b) A tax lien certificate shall evidence the sale or assignment to the holder of the tax lien certificate of the delinquent and unpaid taxes, penalties, interest, and costs set forth therein and represented by the tax lien, and the right to receive amounts in respect thereof as provided in this act.

(c) A tax lien certificate shall bear interest at the rate of 12 percent per annum on the amount of all taxes, penalties, interest, and costs due on the property from the date of the sale of the tax lien to the original purchaser until the tax lien certificate is redeemed as provided by law, or the property is sold pursuant to a decree for sale of real estate required by Section 40-10-11, Code of Alabama 1975.

(d) The tax lien certificate shall (i) describe the real property on which a tax lien is sold as it is described in the tax lien sale list, (ii) specify the date on which the tax lien was sold to the original purchaser, (iii) specify the year of assessment to which the tax lien relates and the amount for which the tax lien was sold to the original purchaser, (iv) recite the amount of all taxes, penalties, interest, and costs due on the property, which relate to the year of assessment described in (iii) above, as of the date specified in (ii) above, and (v) recite that the certificate bears interest at the rate of 12 percent per annum on the amount described in (iv) above from the date specified in (ii) above.

(e) The purchaser of a tax lien certificate may transfer and assign the certificate to any person, and the transferee of a tax lien certificate may subsequently transfer the certificate to any other person. The transferor of a tax lien certificate shall endorse the certificate and shall swear to the endorsement before a notary public or other officer empowered to administer oaths. The transferee shall present the endorsed tax lien certificate to the tax collector who prepared and sold the certificate, or his or her successor, who, for a fee of one dollar (\$1), shall acknowledge the transfer on the certificate and shall make note of the transfer on the record of tax lien sales kept as provided in Section 10 of this act. An assignment and transfer as provided in this subsection shall vest in the assignee all the right and title of the original purchaser.

(f) A security interest in a tax lien certificate may be created and perfected in the manner provided for general intangibles under Title 7 of the Code of Alabama 1975.

Section 10. The tax collector shall make a correct record of all sales of tax liens pursuant to this act in a durable book, which shall be known as the record of tax lien sales, containing all of the following:

- (1) The date of sale.
- (2) A description of each parcel on which a tax lien was sold.
- (3) The year of assessment to which the tax lien relates.

(4) The name of property owner, if known.

(5) The name and address of original purchaser of the tax lien.

(6) The total amount of taxes, interest, penalties, and costs due on the tax lien, which relate to the year of assessment, as described in Section 9 of this act, as of the date of the sale of the tax lien to the original purchaser.

(7) The amount of any subsequent taxes, penalties, interest, and costs paid by the original purchaser, or assignee, of the tax lien certificate as provided in Section 13 of this act and the year of assessment to which the payment relates.

(8) The name and address of the assignee, if any, and the date of assignment of the tax lien certificate.

(9) The name of the person redeeming and the date of redemption.

(10) The total amount paid for redemption.

(11) The date of any decree of sale pursuant to Section 40-10-11, Code of Alabama 1975, with respect to the property.

Section 11. For purposes of this act, "holder of the tax lien certificate" means the original purchaser of a tax lien or any assignee thereof as described in the record of tax lien sales kept by the tax collector pursuant to Section 10 of this act.

Section 12. When a tax lien certificate is lost or destroyed, the holder of the tax lien certificate may file a notarized affidavit with the tax collector attesting to the loss of the certificate. Upon presentation of the notarized affidavit, the tax collector shall on payment of a fee of ten dollars (\$10) issue to the holder thereof an exact duplicate of the tax lien certificate.

Section 13. (a) The holder of an outstanding tax lien certificate shall have the first right to purchase the tax lien relating to a subsequent delinquency on the property described in the tax lien certificate of the holder. As soon as practicable after the occurrence of the subsequent delinquency, the tax collector shall notify via certified mail, the holder of the outstanding tax lien certificate of the subsequent delinquency and offer to sell the tax lien related thereto to the holder. Within 90 days following the receipt of notice from the tax collector, the holder of the tax lien certificate shall be entitled to purchase the tax lien described in the notice from the tax collector for a purchase price equal to the amount of subsequent delinquent taxes, interest, penalties, and costs, if any, upon the property, less an amount proportionate to any discount permitted to the original purchaser on the purchase price paid with respect to the holder's outstanding tax lien certificate. If the holder elects to purchase the subsequent tax lien, the tax collector shall make, execute, and deliver a tax lien certificate to the holder in the form and in the manner described in Section 9 of this act and shall collect a fee of five dollars (\$5) from the holder.

(b) If the holder fails to acquire the subsequent tax lien within the time period specified in subsection (a), the tax collector shall be free to pursue any other remedy provided by law for the collection of the delinquent tax, including the sale of the tax lien if so directed by the county commission.

Section 14. All monies collected or received by the tax collector as proceeds of a tax sale pursuant to this act shall be distributed in the same manner and proportions as the tax collector is required by law to distribute other monies collected by him or her in satisfaction of ad valorem taxes.

Section 15. (a) Tax liens sold under this act may be redeemed by the owner, his or her agent, assignee, or attorney, or by any person having a legal or equitable claim in the underlying property, at any time prior to entry of a decree of sale in an action authorized by Section 40-10-11, Code of Alabama 1975, by payment to the tax collector of the amount specified on the tax lien certificate as the total amount of delinquent tax, interest, penalty, and costs due on the delinquent property, plus interest at the rate specified in the tax lien certificate.

(b) Statutory fees paid by the holder of the tax lien certificate in connection with the tax lien certificate shall be added to the amount payable on redemption and shall also bear interest at the rate of interest specified in the tax lien certificate.

Section 16. (a) The tax collector shall, upon application to redeem a tax lien sold under this act, and upon being satisfied that the person applying has the right to redeem the tax lien, and upon payment of the amount due, issue to the person a certificate of redemption describing the parcel on which the tax lien is redeemed, giving the date of redemption, the amount paid, and by whom redeemed, and shall make the proper entries in the record of tax lien sales in his or her office.

(b) For each certificate of redemption, the tax collector shall collect a fee of ten dollars (\$10) from the person to whom the certificate of redemption is issued.

(c) The holder of a certificate of redemption may record the certificate with the recording officer of the county.

Section 17. A person owning an interest less than the whole in real property may redeem a tax lien against his or her interest, if the interest can be ascertained by legal description provided to the tax collector, by paying the proportionate part of the whole amount due, and shall receive a certificate of redemption for his or her interest in the manner provided by this act.

Section 18. Within 10 days of issuance of any certificate of redemption, the tax collector shall mail a certified copy of the certificate of redemption to the holder of the tax lien certificate related thereto at the address specified in the record of tax lien sales kept as provided in Section 10 of this act. On demand of any person entitled to redemption money held by the tax collector, he or she shall pay the money to the person upon surrender of the tax lien certificate for the redeemed tax

lien. If only a portion of the tax lien on the property described in the tax lien certificate has been redeemed, the tax collector shall endorse on the tax lien certificate the portion redeemed and the amount of money paid to the holder of the tax lien certificate, and shall take a receipt therefor.

Section 19. Each holder of a tax lien certificate, desiring to have the probate court order the sale of property for the payment of taxes, shall provide written notice to the tax collector on or before February 1 which contains the following information: (i) A description of the parcel to which the tax lien certificate relates; (ii) the year of assessment to which the tax lien certificate relates; (iii) the name and address of the holder of the tax lien certificate; and (iv) a statement by the holder of the tax lien certificate that he or she is unable to collect the delinquent taxes described in his or her tax lien certificate without a sale of the property and requesting that the tax collector list the property in the book of lands prepared pursuant to Section 40-10-2, Code of Alabama 1975, and delivered to the judge of probate pursuant to Section 40-10-3, Code of Alabama 1975.

Section 20. Each holder of a tax lien certificate shall be entitled to the same rights and remedies with respect to the collection of the amounts due on such tax lien certificate as are available to the tax collector with respect to the collection of delinquent taxes, including, but not limited to, the right to institute garnishment proceedings against the taxpayer for the payment of taxes; furthermore the holder of a tax lien certificate shall not be entitled to charge the taxpayer for the release or satisfaction of the tax lien any amount more than what would otherwise have been available to the tax collector with respect to the collection of the delinquent tax.

Section 21. This act shall become effective on October 1, 1995, after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 80; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

Nay:

Representatives Hall (A), Morrow, Page and Robinson.

- 4

And the bill, S. 482, as amended, was read a third time at length and passed.

Yeas 79; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Burke, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-79

Nay:

Representatives Gaines, Hall (A), Johnson (R), Morrow, Page, Parker (P), Robinson and Thomas (D).

- 8

H. 542 INDEFINITELY POSTPONED

On motion of Representative Hammett, the bill, H. 542, as amended, was indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 449. To amend Section 40-9B-3, Code of Alabama 1975, and Acts 1993, 1st Extra Session, No. 93-851, p. 79, § 1, now appearing as Section 41-10-44.2, Code of Alabama 1975; to expand the industrial or research enterprise categories which qualify for tax abatements and site preparation grants, respectively, to include cotton gins; and to provide a retroactive effective date.

Also:

S. 475. Relating to Lauderdale County; to amend Act No. 79-351, S. 181 of the 1979 Regular Session (Acts 1979, p. 565); to further provide for the fee of the Judge of Probate for celebrating the rites of matrimony; and to provide retroactive effect.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 121, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

And the bill:

H. 121. To amend Section 34-24-310, Code of Alabama 1975, to provide that within 30 days following October 1, 1995, the Governor shall appoint one additional public member to the Medical Licensure Commission for a term of five

years; to provide that there shall be no limitation on the number of terms a public member may serve and to provide that the public member shall continue to serve beyond the expiration of his or her term until a successor has been appointed; to provide that no public member shall be a licensee of the commission or hold a professional degree in any health care field or practice as a licensed health care professional; and to provide that the public member shall be entitled to participate and vote in all matters before the commission.

was taken up.

SUBSTITUTE OFFERED

Representative Parker (T) offered the following substitute to the bill, H. 121:

To amend Sections 34-24-53 and 34-24-310, Code of Alabama 1975; to provide for the appointment of additional members to the Board of Medical Examiners and to provide that the additional members may not be immediate family of members already serving on the board; to provide that no attorney could serve on the board; to provide standards of confidentiality for members of the board and prescribe penalties for breach; to provide for the appointment of an additional public member to the Medical Licensure Commission; to provide for the term of the public member; to provide that there shall be no limitation on the number of terms a public member may serve and to provide that the public member shall continue to serve beyond the expiration of his or her term until a successor has been appointed; to provide that no public member shall be a licensee of the commission or hold a professional degree in any health care field or practice as a licensed health care professional; and to provide that the public member shall be entitled to participate and vote in all matters before the commission.

SUBSTITUTE TABLED

On motion of Representative Flowers, the substitute offered by Representative Parker (T) to the bill, H. 121, was tabled.

Yeas 74; Nays 9.

Yea:

Mr. Speaker, Baker, Black (L), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Hawk, Hawkins, Hill, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, McAdory, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne,

Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-74

Nay:

Representatives Allen, Hamilton, Hayden, Jackson, McMillan, Minnifield, Parker (T), Penry and Smith.

- 9

S. 114 SUBSTITUTED FOR H. 121

In accordance with House Rule 20 and on motion of Representative Flowers, the bill, S. 114, was substituted for the bill, H. 121.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, S. 114, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

And the bill:

S. 114. To amend Section 34-24-310, Code of Alabama 1975, to provide that within 30 days following October 1, 1995, the Governor shall appoint one additional public member to the Medical Licensure Commission for a term of five years; to provide that there shall be no limitation on the number of terms a public member may serve and to provide that the public member shall continue to serve

beyond the expiration of his or her term until a successor has been appointed; to provide that no public member shall be a licensee of the commission or hold a professional degree in any health care field or practice as a licensed health care professional; and to provide that the public member shall be entitled to participate and vote in all matters before the commission.

was read a third time at length and passed.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

H. 121 INDEFINITELY POSTPONED

On motion of Representative Flowers, the bill, H. 121, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 322, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton,

Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-80

And the bill:

H. 322. To remove the termination date for certain assessments against wages made pursuant to employment security programs of the Department of Industrial Relations.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-87

H. 535 TEMPORARILY CARRIED OVER

On motion of Representative Knight (A), the bill, H. 535, as amended on the twentieth legislative day, was temporarily carried over.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 387, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-78

And the bill:

H. 387. (With Substitute) (With Amendment): To amend Section 36-20-30, Code of Alabama 1975, to provide for a uniform increase in the notaries public filing fee charged by the judges of probate; to provide for a portion of that fee to be forwarded to the Office of the Secretary of State in order to offset costs associated with this section; and to provide for the creation of the State Notary Public Filing Fee Fund.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-20-30, Code of Alabama 1975, to provide for a uniform increase in the notaries public filing fee charged by the judges of probate; to provide for a portion of that fee to be forwarded to the Office of the Secretary of State in order to offset costs associated with this section; and to provide for the creation of the State Notary Public Filing Fee Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-20-30, Code of Alabama 1975, is amended to read as follows:

"§36-20-30.

"(a) A competent number of notaries public for the state at large shall be appointed and commissioned by the probate judges of the several counties of the state and shall hold office for four years from the date of their commission. Such notaries public for the state at large shall perform all the acts and exercise all authority now performed and exercised by notaries public under the general laws of the state of Alabama. The jurisdiction of such notaries public shall not be limited to the counties of their residence but shall extend to any county of the state. In addition to any and all other fees collected, the The probate judges shall collect a fee of ~~\$1.00~~ ten dollars (\$10) for each such notary commission issued. Five dollars (\$5) of the state fee shall be forwarded to the Secretary of State, who shall deposit the money in a special fund in the State Treasury. The remaining amount of the fee shall be distributed pursuant to existing local legislation, but in any event, shall remain in the county in which it was collected. The probate judges shall also report to the secretary of state the name, county of residence, date of issuance and date of expiration of the commission of each notary public appointed and commissioned under this section and the fact that said notary was appointed and commissioned for the state at large.

"(b) There is created in the State Treasury a fund to be known and designated as the State Notary Public Filing Fee Fund. All funds, fees, charges, costs, and collections accruing to or collected by the Office of the Secretary of State under this section shall be deposited into the State Treasury to the credit of the State Notary Public Filing Fee Fund. The moneys shall be used by the Secretary of State to offset costs associated with the performance of the duties required under this section. Money deposited in this fund shall not revert to the General Fund or any other fund at the end of any fiscal year but shall remain available for expenditure for the purposes provided herein subject to appropriation by the Legislature. The expenditure of any funds shall be in accordance with Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, Code of Alabama 1975."

Section 2. There is appropriated from the State Notary Public Filing Fee Fund established pursuant to this amendatory act to the Office of the Secretary of State an amount of ten thousand dollars (\$10,000) for the fiscal year 1994-95, and an amount of sixty thousand dollars (\$60,000) for the fiscal year 1995-96.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 72; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Turnham, Vance, Venable, Warren, White, Willis and Wren.

-72

Nay:

Representatives Payne, Robinson and Townsend.

-3

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 387 on Page 1 by deleting lines 16-18 in their entirety.

Further amend on Page 1, line 15 by deleting the word "Office" and inserting in lieu thereof "State General Fund."

Further amend on Page 2 by deleting lines 1-4 in their entirety and inserting in lieu: "of that fee to be forwarded to the State General Fund."

Further amend on Page 2 by deleting lines 22-23 and inserting in lieu thereof: "forwarded to the State Comptroller to be deposited in the State General Fund. The remaining"

Further amend the bill on Page 3 by deleting lines 6 through 21 in their entirety.

Further amend the bill on Pages 3 and 4 by deleting Section 2 in its entirety and renumbering subsequent sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Guin, Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, McAdory, McClammy, McDaniel, McKee, Melton, Minnifield, Moore, Morrison, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, White, Willis and Wren.

-74

Nay:

Representatives Carns, Payne, Robinson and Townsend.

- 4

And the bill:

H. 387. To amend Section 36-20-30, Code of Alabama 1975, to provide for a uniform increase in the notaries public filing fee charged by the judges of probate; to provide for a portion of that fee to be forwarded to the State General Fund.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 65; Nays 13.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Boyd, Burke, Carothers, Clouse, Crigler, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Guin, Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Layson, Letson, McAdory, McClammy, McDaniel, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Penry, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

-65

Nay:

Representatives Carns, Curry, Dolbare, Gaston, Hall (A), Hawkins, Johnson (R), McKee, Morrow, Page, Payne, Robinson and Townsend.

-13

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 194, was adopted.

Yeas 49; Nays 31.

Yea:

Mr. Speaker, Allen, Baker, Box, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Flowers, Ford, Gaines, Gaston, Gipson, Haney, Hawkins, Hill, Hinshaw, Hooper, Johnson (R), Jorgensen, Knight (A), Layson, Letson, McDaniel, McKee, Millican, Moore, Morton, Murphree, Papucci, Parker (T), Payne, Penry, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Warren, White and Wren.

-49

Nay:

Representatives Bandy, Black (L), Buskey, Clark (W), Drake, Dukes, Galliher, Guin, Hall (L), Hawk, Hayden, Hilliard, Hogan, Houston, Jackson, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Newton (C), Newton (D), Parker (P), Perdue, Robinson, Rogers (J), Spratt, Thomas (J) and Willis.

-31

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 679. To authorize and adopt a voluntary public-private non-profit partnership or trust agreement proposed by The Citizenship Trust; to enhance and expand citizenship education of young people; and to provide for the purposes, member parties, organization, structure, incorporation, non-profit status, powers, tax exemption from state and local taxes.

TOMMY CARTER
Chairman

And the bill, H. 679, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 285. HONORING WALTER L. NORTINGTON FOR HIS YEARS OF SERVICE TO THE STATE OF ALABAMA, DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bailey:

S. 523. To amend Section 15-23-42 of the Code of Alabama 1975; to provide for the termination of the confidential communications privilege of a crime victim counselor upon the death of the victim.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 523. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bailey:

S. 521. Amending Section 15-10-3, Code of Alabama 1975, which provides the circumstances when a law enforcement officer may arrest without a warrant; to add harassment as an additional category of domestic violence; and to expand the definition of family or household member.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 521. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Mitchem:

S. 97. To amend Section 11-54-80 of the Code of Alabama 1975, providing for the organization of industrial development boards by municipalities for the purpose of financing industrial and commercial development projects, to further provide for the definition of project.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 97. Industrial Development and Economic Growth.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bailey:

S. 522. To provide that domestic violence is detrimental to the child and to create a rebuttable presumption that it is not in the best interest of the child to be in the sole or joint custody of a parent who is the perpetrator of domestic or family violence; to specify factors to be considered by a court in awarding custody, visitation, and modification of an order.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 522. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bailey:

S. 524. Amending Sections 30-5-1, 30-5-2, 30-5-3, 30-5-4, 30-5-5, 30-5-6, 30-5-7, 30-5-8, 30-5-9, and 30-5-10 of the Code of Alabama 1975, relating to protection from abuse orders; to specify the purposes of the law, to expand the meaning of abuse and family and household members and to define certain other terms; to specify how an order may be obtained, jurisdiction, venue, hearings and legal proceedings, and for the content and issuance of protection orders; to provide remedies and relief; to prescribe criminal penalties; and to provide for a prospective effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 524. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 114. To amend Section 34-24-310, Code of Alabama 1975, to provide that within 30 days following October 1, 1995, the Governor shall appoint one additional public member to the Medical Licensure Commission for a term of five years; to provide that there shall be no limitation on the number of terms a public member may serve and to provide that the public member shall continue to serve beyond the expiration of his or her term until a successor has been appointed; to provide that no public member shall be a licensee of the commission or hold a professional degree in any health care field or practice as a licensed health care professional; and to provide that the public member shall be entitled to participate and vote in all matters before the commission.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MOTION TO ADJOURN LOST

The motion offered by Representative Drake that the House adjourn until 1:00 o'clock p.m., Tuesday, June 27, 1995, was lost.

Yeas 37; Nays 44.

Yea:

Representatives Bandy, Black (L), Box, Boyd, Buskey, Carothers, Clark (W), Dolbare, Drake, Guin, Hawk, Hayden, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Mauli, McAdory, McClammy, Melton, Millican, Mitchell, Newton (D), Payne, Reed, Rogers (J), Sims, Spratt, Starkey, Thomas (J), Turnham, Warren and Willis.

-37

Nay:

Mr. Speaker, Allen, Baker, Carns, Clouse, Collins, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Hall (L), Haney, Hawkins, Hill, Hinshaw, Jorgensen, Knight (A), Layson, Letson, McDaniel, McKee, McMillan, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Petelos, Sanderford, Sanderson, Seibenhener, Smith, Townsend, Turner, Vance, Venable, White and Wren.

-44

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 387. To amend Section 36-20-30, Code of Alabama 1975, to provide for a uniform increase in the notaries public filing fee charged by the judges of probate; to provide for a portion of that fee to be forwarded to the State General Fund.

TOMMY CARTER
Chairman

And the bill, H. 387, as engrossed, was ordered sent to the Senate.

H. 194 TAKEN UP

And the bill:

H. 194. To require successful candidates for justice and judge of the appellate courts and circuit and district courts to file certain disclosure statements of contributions received and to prescribe penalties for failure to file the statements.

was taken up.

AMENDMENT OFFERED

Representative Box offered the following amendment to the bill, H. 194:

On page 3, line 6, after the word "shall" insert the following: have 90 days from the commencement of the term of office to comply with this section and shall serve without compensation pending compliance. After 90 days, if the successful candidate is still in noncompliance with this section he or she shall

MOTION TO TEMPORARILY CARRY OVER OFFERED

Representative Melton offered the motion to temporarily carry over the bill, H. 194, and the pending amendment offered by Representative Box.

MOTION TO TABLE LOST

The motion offered by Representative Turner to table the motion offered by Representative Melton to temporarily carry over the bill, H. 194, and the pending amendment was lost.

Yeas 33; Nays 41.

Yea:

Representatives Baker, Box, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Ford, Fuller, Gaines, Haney, Hawkins, Hill, Hooper, Knight (A), McDaniel, McKee, McMillan, Moore, Morton, Murphree, Papucci, Penry, Pringle, Sanderford, Sanderson, Seibenhener, Thomas (D), Turner, Warren and Wren.

-33

Nay:

Representatives Bandy, Black (L), Burke, Carothers, Drake, Gipson, Guin, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, McAdory, McClammy, Millican, Minnifield, Morrow, Newton (D), Page, Parker (P), Payne, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (J), Townsend and Willis.

-41

H. 194 TEMPORARILY CARRIED OVER

The question was then on the motion offered by Representative Melton to temporarily carry over the bill, H. 194, and the pending amendment, and the motion was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 113. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hall (A), the House concurred in and adopted the Senate amendment to the bill, H. 113, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects with certain modifications; to amend Sections 34-17-4, 34-17-21, 34-17-25, and 34-17-26, Code of Alabama 1975, so as to provide further for the use of the title "landscape architect" in a corporate or partnership name; to provide further for the submission of applications and the qualifications of applicants; to discontinue the issuance of temporary certificates; and to provide for reciprocity with other countries.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Board of Examiners of Landscape Architects, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Board of Landscape Architects, created and functioning pursuant to Sections 34-17-1 to 34-17-27, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-17-4, 34-17-21, 34-17-25, and 34-17-26 of the Code of Alabama 1975, are amended to read as follows:

"§34-17-4.

"(a) A corporation or partnership, as such, may not be licensed or registered to practice landscape architecture ~~or to~~, but may, if issued a certificate of authorization by the board, use any form of the title "landscape architect" in connection with the corporate or partnership name.

"(b) The right to engage in the practice of landscape architecture is a personal right, based upon the qualifications of the individual evidenced by his license and is not transferable. All final drawings, specifications, plans, reports or other papers or documents involving the practice of landscape architecture, as defined in ~~section~~ Section 34-17-1, when issued or filed for public record, shall be dated and bear the signature and seal of the landscape architect or landscape architects who prepared or approved them.

"(c) Nothing in subsections (a) and (b) of this section shall be construed to prevent the formation of partnerships and corporations as a vehicle for the practice of landscape architecture subject to all the following conditions:

"(1) The practice of or offer to practice landscape architecture for others as defined in ~~section~~ Section 34-17-1 by individual landscape architects licensed under this chapter through a corporation as officers, employees, or agents, or through a partnership as partners, officers, employees, or agents, or the offering or rendering of landscape architecture services by a corporation or partnership through individual landscape architects licensed under this chapter is permitted, subject to the provisions of this chapter; ~~provided, that~~ if all the following requirements are satisfied:

"a. One or more of the corporate officers in the case of a corporation, or one or more of the partners in the case of a partnership, is designated as being responsible for the professional services described in ~~section~~ Section 34-17-1 of ~~said~~ the corporation or partnership and is a landscape architect under this chapter;

"b. All personnel of ~~said~~ the corporation or partnership, who act in its behalf as landscape architects, are licensed under this chapter; ~~and~~.

"c. ~~Said~~ The corporation or partnership has been issued a certificate of authorization by the board, as hereinafter provided.

"The requirements of this chapter shall not prevent a corporation and its employees from performing landscape architectural services for ~~said~~ the corporation, ~~or~~ subsidiary, or affiliated corporations.

"(2) A corporation or partnership desiring a certificate of authorization shall file with the board an application on forms provided by the board listing relevant information, including the names and addresses of all officers and members of the corporation, or officers and partners of the partnership, and also of an individual or

individuals duly licensed to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture in this state through ~~said the~~ corporation or partnership, and other information required by the board, accompanied by an original authorization fee to be determined by the board. A form, giving the same information, ~~must shall~~ accompany the annual renewal fee to be determined by the board. In the event there ~~should be~~ is a change in any of these persons during the year, ~~such the~~ change shall be designated on the same form and filed with the board within 30 days after the effective date of ~~said the~~ change. If all of the requirements of this section are met, the board shall issue a certificate of authorization to ~~such the~~ corporation or partnership, and ~~such the~~ corporation or partnership shall be authorized to contract for and to collect fees for landscape architectural services.

"(3) No ~~such~~ corporation or partnership shall be relieved of responsibility for conduct or acts of its agents, employees, or officers by reason of its compliance with the ~~provisions of~~ this section, nor shall any individual practicing landscape architecture as defined in ~~section~~ Section 34-17-1 be relieved of responsibility for landscape architectural services performed by reason of his employment or relationship with such corporation or partnership."

"§34-17-21.

"~~(a)~~ For licensing as a landscape architect, the following evidence must shall be submitted that the applicant:

"(1) Is at least 19 years of age; ~~and.~~

"(2) Has, before making application to the board, completed the course of study in and been graduated from a college or school of landscape architecture approved by the board. ~~He shall also submit before admission to the examination evidence~~ The application for examination shall be accompanied by proof of actual practical experience in landscape architectural work of a grade and character satisfactory to the board. Each complete year of study in such an approved college or school of landscape architecture may be accepted in lieu of one year of such practical experience, and the applicant must shall submit evidence of sufficient additional acceptable experience to total six five years of combined education and practical experience. The applicant shall also submit proof of one additional year of practical experience sufficient to total six years of combined education and practical experience. In lieu of graduation from an accredited college or school of landscape architecture, and the practical experience in addition thereto, an applicant may be admitted to the examination upon presenting evidence of at least eight years of actual practical experience in landscape architectural work of a grade and character satisfactory to the board.

"~~(b) The board is authorized to issue a temporary certificate for a period of time not exceeding six months to any nonresident applicant who meets the requirements set out in subsection (a) above.~~

"§34-17-25.

"The fees prescribed by this chapter shall be in the following amounts:

"(1) The fee for application to the board is ~~\$75.00~~ seventy-five dollars (\$75).

"(2) The fee for examination or reexamination shall be in ~~such an~~ an amount as ~~may be~~ established by the board in order to cover all costs of examination, but in no event shall the fee exceed the actual cost of preparing and administering ~~such~~ the exam examination.

"(3) The fee for an original certificate is ~~\$50.00~~ fifty dollars (\$50).

"~~(4) The fee for a temporary certificate is \$250.00.~~

"~~(5)~~ (4) The fee for a duplicate certificate is ~~\$50.00~~ fifty dollars (\$50).

"~~(6)~~ (5) The annual license fee is ~~\$100.00~~ one hundred dollars (\$100) for residents of Alabama and ~~\$150.00~~ one hundred fifty dollars (\$150) for nonresidents.

"~~(7)~~ (6) The penalty fee is ~~\$50.00~~ fifty dollars (\$50), as provided in ~~section~~ Section 34-17-24 of this chapter."

"§34-17-26.

"The board, subject to the provisions of this chapter and the rules and regulations of the board promulgated thereunder prescribing the qualifications for a landscape architect license, may permit the practice of landscape architecture in this state under a landscape architect license issued under the laws of any other state or country, upon payment of the current fee established by the board, and upon submission of all of the following evidence satisfactory to the board:

"(1) That the other state or country maintained a system and standard of qualifications and examinations for a landscape architect license which were substantially equivalent to those required in this state at the time the license was issued by the other state; ~~and~~.

"(2) That the other state or country gives similar recognition and endorsement to landscape architect licenses of this state."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On page 8, line 26, after the word "state" insert the following: or country

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Hall (A), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Petelos, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend and Willis.

-64

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 112. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors.

McDOWELL LEE
Secretary

SENATE MESSAGE

MOTION TO NON-CONCUR AND REQUEST COMMITTEE ON CONFERENCE BE APPOINTED OFFERED

Representative McKee offered the motion that the House non-concur in the Senate amendment to the bill, H. 112, and request the Speaker appoint a Committee on Conference on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors with certain modifications; to amend Sections 34-11-4, 34-11-30, 34-11-31, and 34-11-36, Code of Alabama 1975, so as to provide further for reciprocity; to provide further for board membership qualifications; and to eliminate the requirement that excess appropriated funds transfer to the State General Fund at the end of the fiscal year.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the State Board of Registration for Professional Engineers and Land Surveyors, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors, created and functioning pursuant to Sections 34-11-1 to 34-11-37, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-11-4, 34-11-30, 34-11-31, and 34-11-36 of the Code of Alabama 1975, are amended to read as follows:

"§34-11-4.

"The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer, certification as an engineer-in-training, or registration as a professional land surveyor, respectively:

"(1) PROFESSIONAL ENGINEER.

"a. Graduation and ~~Experience Plus Examination~~ experience plus examination.

"1. Graduation in an approved engineering curriculum plus four years experience. -- A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing; and with a specific record of an additional four years or more of experience in engineering work of a grade and character satisfactory to the board, and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamental engineering subjects and, after passing the examination in the fundamental engineering subjects, shall be admitted to an eight-hour written examination in the principles and practice of

engineering. Upon passing ~~such~~ the examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he or she is otherwise qualified. In counting years of experience, the board at its discretion may give credit, not in excess of one year, for satisfactory graduate study in engineering.

"2. Graduation in an unapproved engineering curriculum plus six years experience. -- A graduate of an unapproved engineering curriculum of four years or more and with a specific record of six years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamental engineering subjects, and after passing the examination in the fundamental engineering subjects shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing ~~such~~ the examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he or she is otherwise qualified.

"3. Graduation in an approved engineering technology or related science curriculum plus eight years experience. -- A graduate of an approved engineering technology curriculum of four years or more from a school or college approved by the board or a graduate of a related science curriculum of four years or more and with a specific record of eight years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamental engineering subjects, and after passing the examination in the fundamental engineering subjects shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing ~~such~~ the examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he or she is otherwise qualified.

"b. Experience ~~Plus Examination~~ plus examination. -- Prior to December 31, 1992, ~~but not thereafter~~, an applicant having a specific record of 12 years or more of progressive experience in engineering work of a character and grade satisfactory to the board and indicating that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamental engineering subjects, and after passing the examination in the fundamental engineering subjects shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing ~~such~~ the examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he or she is otherwise qualified.

"c. Reciprocity. -- The board may, upon application ~~therefor~~, issue a certificate of registration as a professional engineer to any person who holds a valid certificate issued by ~~the committee on national engineering certification of the national council of engineering examiners~~ a national examination organization for engineers and land surveyors as selected by the board, or of any state or territory

or possession of the United States, the District of Columbia, or of any country; provided, that the qualifications of the applicant ~~applicant's qualifications~~ meet the requirements of this chapter and the rules established by the board. Such an applicant may, at the discretion of the board, be authorized to practice engineering on a temporary basis upon issuance of an interim permit which shall remain in effect until the board acts upon the application. The interim permit may be issued upon submission of documentation and a fee which shall be established by regulation of the board, not to exceed fifty dollars (\$50).

"(2) ENGINEER-IN-TRAINING.

"a. Graduation ~~Plus Examination~~ plus examination. Graduation plus training for ENGINEER-IN-TRAINING includes any of the following combinations:

"1. Graduation in an approved engineering curriculum. -- A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing and successfully passing an eight-hour written examination in the fundamental engineering subjects; ~~or.~~

"2. Graduation in an unapproved engineering curriculum plus two years experience. -- A graduate of an unapproved engineering curriculum of four years or more and with a specific record of two years or more of progressive experience in engineering work of a grade and character satisfactory to the board and successfully passing an eight-hour written examination in the fundamental engineering subjects; ~~or.~~

"3. Graduation in an approved engineering technology or related science curriculum plus four years experience. -- A graduate of an engineering technology curriculum or of a related science curriculum of four years or more and with a specific record of four years or more of experience in engineering work of a grade and character satisfactory to the board and successfully passing an eight-hour written examination in the fundamental engineering subjects.

"b. Experience ~~Plus Examination~~ plus examination. -- Prior to December 31, 1988, ~~but not thereafter~~, an applicant having a specific record of six years or more of experience in engineering work of a grade and character satisfactory to the board and successfully passing an eight-hour written examination in the fundamental engineering subjects.

"c. Reciprocity. -- Engineer-in-training examinations of comparable character taken and passed in other states may be accepted by the board.

"d. Engineer-in-training certification. -- The certification of an engineer-in-training shall be valid for a period of 10 years, except that applicants qualifying under paragraph b of subdivision (2) ~~b~~ of this section may not be qualified for registration as a professional engineer after December 31, 1992.

"(3) PROFESSIONAL LAND SURVEYOR.

"a. Graduation and ~~Experience Plus Examination~~ experience plus examination.

"1. Graduation in approved curriculum plus two years experience. -- A graduate of a school or college approved by the board as of satisfactory standing, including the completion of an approved course in surveying, with an additional two years or more of experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying, shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and after passing the fundamentals shall be admitted to a four-hour written examination in the principles and practice of land surveying and a four-hour written examination on laws, procedures and practices pertaining to land surveying in this state. Upon passing ~~such~~ the examinations, the applicant shall be granted a certificate of registration to practice land surveying in this state, provided he or she is otherwise qualified.

"2. Graduation in unapproved engineering curriculum plus four years experience. -- A graduate of an unapproved engineering curriculum of four years or more or a graduate of an approved land surveying technology curriculum and with a specific record of four years or more of progressive experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and after passing the fundamentals shall be admitted to a four-hour written examination in the principles and practice of land surveying and a four-hour written examination on laws, procedures and practices pertaining to land surveying in this state. Upon passing ~~such~~ the examinations, the applicant shall be granted a certificate of registration to practice land surveying in this state, provided he or she is otherwise qualified.

"b. ~~Experience Plus Examination~~ experience plus examination. -- An applicant having a specific record of eight years or more of experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and after passing the fundamentals shall be admitted to a four-hour written examination in the principles and practice of land surveying and a four-hour written examination on laws, procedures and practices pertaining to land surveying in this state. Upon passing ~~such~~ the examinations, the applicant shall be granted a certificate of registration to practice land surveying in this state, provided he or she is otherwise qualified.

"(4) CHARACTER. -- No person shall be eligible for registration as a professional engineer, certification as an engineer-in-training, or registration as a professional land surveyor who is not of good character and reputation.

"(5) TEACHING CREDITS. -- In considering the qualifications of applicants, engineering teaching with the rank equivalent to assistant professor or higher in an engineering curriculum approved by the board may be construed as equivalent to engineering experience.

"(6) NONPRACTICING APPLICANTS. -- Any person having the necessary qualifications prescribed in this chapter to entitle him or her to registration shall be eligible for ~~such~~ registration although ~~he may not be practicing his or her~~ profession at the time of making his application."

"§34-11-30.

~~"A state board of registration for professional engineers and land surveyors~~ State Board of Registration for Professional Engineers and Land Surveyors is hereby created. It shall be the duty of the board to administer ~~the provisions of this~~ chapter. The board shall consist of four professional engineers and one professional engineer ~~who is also a registered~~ land surveyor, each of whom shall be appointed by the ~~governor~~ Governor from a list of three persons nominated by a committee. This committee shall consist of one professional engineer or professional land surveyor, respectively, appointed or elected by an active Alabama chapter of each of the following societies: American Society of Civil Engineers; American Institute of Mining, Metallurgical and Petroleum Engineers; American Institute of Chemical Engineers; ~~American~~ Institute of Electrical and Electronics Engineers; American Society of Mechanical Engineers; ~~and~~ Alabama Society of Professional Engineers; and Alabama Society of Professional Land Surveyors. Any other society with active chapters in the state of ~~Alabama~~ having membership qualifications comparable to those of the above societies may petition the board for membership on said the committee, and the board at its own discretion may grant ~~said the~~ membership. Nominees shall have the qualifications required by ~~section~~ Section 34-11-31. The foregoing nominations shall be made by a majority vote of the committee present at the same time at a meeting called by the secretary of the board, who shall advise the above named societies of the meeting at least 30 days before it is held. Each member of the board shall receive a certificate of his appointment from the ~~governor~~ Governor and before beginning his or her term of office shall file with the ~~secretary of state~~ Secretary of State his or her written oath or affirmation for the faithful discharge of his or her official duty. The members of the board serving on September 15, 1961, shall continue to serve under this chapter until their respective terms ~~shall~~ expire. On the expiration of the term of each member, the ~~governor~~ Governor shall in the manner heretofore provided appoint for a term of five years a professional engineer or professional land surveyor having the qualifications required by ~~section~~ Section 34-11-31 to take the place of the member whose term on said the board is about to expire. Each member so appointed shall hold office until the expiration of the term for which ~~such the~~ member is appointed or until a successor shall have been duly appointed and ~~shall have~~ qualified."

"§34-11-31.

"Each member of the board shall be a citizen of the United States and a resident of this state, a registered professional engineer or registered professional land surveyor, as the case may be, who holds an unexpired certificate under ~~the provisions of this chapter~~, who ~~shall have~~ has been engaged in the practice of engineering or land surveying, respectively, for at least 12 years and ~~shall have~~

who has been in responsible charge of important engineering or land surveying, respectively, work for at least five years."

"§34-11-36.

"The executive director of the board shall receive and account for all money derived under ~~the provisions of this chapter~~, and shall pay ~~the same~~ it monthly to the ~~state treasurer~~ State Treasurer, who shall keep ~~such~~ the money in a separate fund to be known as the ~~"professional engineers fund"~~ Professional Engineers Fund." Such ~~The~~ fund shall be kept separate and apart from all other money in the treasury, and shall be paid out only by warrant of the ~~comptroller~~ Comptroller upon the treasurer, upon itemized vouchers, approved by the executive director of the board.~~;~~ ~~provided, that no~~ No funds shall be withdrawn or expended except as budgeted and allotted according to ~~the provisions of article~~ Article 4 of ~~chapter~~ Chapter 4 of Title 41.~~;~~ ~~and provided further, that any funds or money in the hands of the state treasurer, known as the professional engineers fund, at the end of the state fiscal year in excess of the sum of \$70,000.00 shall be transferred into the general fund of the state.~~ The money, properties, records, and other things of value owned by or allocated to the ~~professional engineers fund~~, the board, or the executive director of the board in his or her capacity as such, serving at the time of enactment of this chapter, shall become the property of and be allocated respectively to the ~~professional engineers fund~~, the board, or the executive director of the board under this chapter. The executive director of the board shall give a surety bond to the state in ~~such~~ a sum as the board may determine. The premium on ~~said~~ the bond shall be regarded as a proper and necessary expense of the board and shall be paid out of the ~~professional engineers fund~~. The executive director of the board shall receive such salary as the board shall determine, in addition to compensation and expenses provided for in ~~section~~ Section 34-11-32. The board may employ an executive director and, when necessary, an assistant executive director and fix their compensation and duties. The board may employ such clerical or other assistants, subject to the provisions of the Merit System Act, and may make expenditures from the ~~professional engineers fund~~ for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this chapter, including the expenses of the board's delegates to regional and national meetings of, and membership dues to, the National Council of Engineering Examiners and any of its subdivisions. Under no circumstances shall the total amount of warrants issued by the ~~comptroller~~ Comptroller in payment of the expenses and compensation provided for in this chapter exceed the amount provided therefor by the ~~legislature~~ Legislature in the general appropriation or other appropriation bills."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On page 2, delete lines 2 through 5 in their entirety and insert in lieu thereof the following: for board membership qualifications.

On page 2, delete lines 17 through 19 in their entirety and insert in lieu thereof the following: qualifications.

On page 13, line 23, after the language "Title 41" delete the language ":-and provided," and insert in lieu thereof the following: ; and provided,

On page 13, lines 24 through 26, and on page 14, lines 1 and 2, delete the strike through and restore the original code language.

On page 13, line 26, strike though the following: ~~the sum of~~

On page 14, line 1, strike through the figure "\$70,000.00" and insert in lieu thereof the following: that amount equal to twenty-five percent of the budget of the board for the previous fiscal year

MOTION TO NON-CONCUR AND REQUEST COMMITTEE ON CONFERENCE BE APPOINTED TABLED

On motion of Representative Box, the motion offered by Representative McKee that the House non-concur in the Senate amendment to the bill, H. 112, and request the Speaker appoint a Committee on Conference on the disagreement of the two Houses was tabled.

Yeas 42; Nays 18.

Yea:

Representatives Box, Buskey, Clark (W), Clouse, Crigler, Curry, Dean, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hawk, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, McDaniel, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Petelos, Robinson, Rogers (M), Smith, Spratt, Turner and Willis.

-42

Nay:

Representatives Baker, Carns, Dolbare, Gaines, Hawkins, McAdory, McKee, Minnifield, Moore, Morton, Newton (C), Newton (D), Payne, Rogers (J), Sanderson, Sims, Townsend and Venable.

-18

MOTION TO CONCUR ADOPTED

On motion of Representative Box, the House concurred in and adopted the Senate amendment to the bill, H. 112.

Yeas 78; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

-78

Nay:

Representatives McKee, Newton (D) and Sanderson.

- 3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 115. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Occupational Therapy.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hogan, the House concurred in and adopted the Senate amendment to the bill, H. 115, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Occupational Therapy with certain modifications; to amend Sections 34-39-3, 34-39-5, 34-39-7, 34-39-8, and 34-39-10, Code of Alabama 1975, so as to provide for the referral by any licensed physician or dentist; to remove those provisions permitting certain short-term unlicensed practice in the state; to provide for the registration of occupational therapy practitioners; and to provide further for license requirements.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the State Board of Occupational Therapy, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the State Board of Occupational Therapy, created and functioning pursuant to Sections 34-39-1 to 34-39-16, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-39-3, 34-39-5, 34-39-7, 34-39-8, and 34-39-10 of the Code of Alabama 1975, are amended to read as follows:

"§34-39-3.

"In this chapter, the following terms shall have the respective meanings provided in this section unless the context clearly requires a different meaning:

"(1) ASSOCIATION. The Alabama Occupational Therapy Association.

"(2) BOARD. The Alabama ~~state board of occupational therapy~~ State Board of Occupational Therapy.

"(3) LICENSE. A valid and current certificate of registration issued by the Alabama ~~state board of occupational therapy~~ State Board of Occupational Therapy.

"(4) ~~PERSON. A human person only, not a legal entity.~~

"(5) (4) OCCUPATIONAL THERAPY. The application of purposeful activity in which one engages for evaluation, treatment, and consultation related to problems interfering with functional performance in persons impaired or threatened by physical illness or injury; psychosocial dysfunction; congenital dysfunction; developmental and learning dysfunction; the aging process; environ-

mental deprivation or anticipated dysfunction; in order to maximize independence, prevent disability, and maintain health. Specific occupational therapy services include, but are not limited to, evaluation techniques such as assessment of sensory motor abilities; assessment of the development of self-care activities and capacity for independence; assessment of the capacity for work readiness and work tasks; assessment of play and leisure performance; and assessment of environmental areas for the handicapped. Specific occupational therapy treatment techniques include activities of daily living (ADL); the design, fabrication, and application of selected splints/ or orthotics, or both; sensorimotor activities and exercise; the use of specifically designed goal oriented arts and crafts; design, fabrication, selection, and use of adaptive equipment; therapeutic activities, modalities, and exercises to enhance functional performance; work readiness evaluation and training. An occupational therapist or occupational therapy assistant is qualified to perform the above activities for which they have received training and any other activities for which appropriate training/ or education, or both, has been received. Notwithstanding any other provision of this chapter, no occupational therapy treatment programs to be rendered by an occupational therapist, occupational therapy assistant, or occupational therapy aide shall be initiated without the referral of a licensed physician or dentist licensed to practice in this state who shall establish a medical diagnosis of the condition for which the individual will receive occupational therapy services. In cases of long-term or chronic disease, disability, ~~and/or~~ or dysfunction, or any combination of the foregoing, requiring continued occupational therapy services, the person receiving such occupational therapy services must be reevaluated by a licensed physician or dentist at least annually for confirmation or modification of the medical diagnosis. Occupational therapists employed by state agencies and those employed by the public schools and colleges of this state who provide screening and rehabilitation services for the educationally related needs of the students are exempt from this referral requirement.

"~~(6)~~ (5) OCCUPATIONAL THERAPIST. A person licensed to practice occupational therapy as defined in this chapter, and whose license is in good standing.

"~~(7)~~ (6) OCCUPATIONAL THERAPY ASSISTANT. A person licensed to assist in the practices of occupational therapy under the supervision of, or with the consultation of, a licensed occupational therapist, ~~and~~ whose license is in good standing.

"~~(8)~~ (7) OCCUPATIONAL THERAPY AIDE. A person who assists in the delivery of occupational therapy, who works under direct on-site supervision of an occupational therapist ~~and/or~~ or occupational therapy assistant, or both, and whose activities require an understanding of occupational therapy but do not require professional or advanced training in the basic anatomical, biological, psychological, and social sciences involved in the practice of occupational therapy.

"(8) PERSON. A human person only, not a legal entity.

"(9) WITH THE CONSULTATION OF. The collaboration of two or more persons on a regularly scheduled basis for the purpose of planning, review, or evaluation of occupational therapy services."

"§34-39-5.

"Nothing in this chapter shall be construed as preventing or restricting the practice, services, or activities of any of the following persons:

"(1) Any person licensed under any other law of the state of ~~Alabama~~ from engaging in the profession for which he or she is licensed; ~~or~~.

"(2) Any person employed as an occupational therapist or an occupational therapy assistant by the government of the United States, if ~~such a~~ the person provides occupational therapy solely under the direction or control of the organization by which he or she is employed; ~~or~~.

"(3) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program if ~~such the~~ the activities and services constitute a part of a supervised course of study, if ~~such a~~ the person is designated by a title which clearly indicates his or her status as a student or trainee; ~~or~~.

"(4) Any person fulfilling the supervised fieldwork experience requirements of subdivision (2) of section Section 34-39-8 (2); ~~or~~.

~~"(5) Any person performing occupational therapy services within this state not licensed under this chapter, if such services are performed for no more than 30 consecutive calendar days if:~~

~~"a. Such a person is licensed under the law of another state which has licensure requirements found by the board to be at least as stringent as the requirements of this chapter; or~~

~~"b. Such a person maintains current certification as an occupational therapist registered or certified occupational therapy assistant with the American Occupational Therapy Certification Board."~~

"§34-39-7.

"(a) The board shall administer, coordinate, and enforce ~~the provisions of~~ this chapter.

"(b) The board shall, within 90 days of the time at which it is appointed, notify all current practitioners of occupational therapy in the state of ~~Alabama~~, as identified by the American Occupational Therapy Certification Board, of the enactment of this chapter and its otherwise becoming a law.

"(c) The board shall adopt and publish rules and regulations relating to the professional conduct to carry out the policies of this chapter, including but not

limited to regulations relating to professional licensure, registration, and the establishment of ethical standards of practice. The ~~state board of medical examiners~~ State Board of Medical Examiners and the ~~alabama state board of occupational therapy~~ Alabama State Board of Occupational Therapy must jointly approve any rule, regulation or policy that interprets, explains, or enumerates the permissible acts, functions, or services rendered by an occupational therapist, occupational therapy assistant, or occupational therapy aide as those acts, functions, and services are defined in ~~section~~ Section 34-39-3. Any rule, regulation, or policy adopted in violation of this requirement is invalid.

"(d) The board shall evaluate the qualifications of all applicants for licensure under this chapter and shall maintain a register of all persons holding a license and a record of all inspections made.

"(e) The board shall approve all examinations of applicants for licensure at least twice a year, shall determine the qualifications and authorize the issuance of licenses to qualified occupational therapists and occupational therapy assistants, and shall renew, suspend, or revoke the licenses in the manner provided.

"(f) The board may investigate complaints and allegations concerning the violation of this chapter and may examine witnesses, issue subpoenas, and administer oaths in connection with these investigations. Hearings may be conducted, ~~providing~~ provided reasonable public notice is given and records and minutes are kept in accordance with the rules and regulations of the board.

"(g) The board shall make an annual report to the ~~governor~~ Governor which shall contain an account of duties performed, actions taken, and appropriate recommendations.

"(h) The board shall establish a budget in accordance with the requirements of the state of ~~Alabama~~.

"(i) The board ~~is empowered to may~~ establish and publish reasonable fees as established in ~~section~~ Section 34-39-14.

"(j) The board may employ and discharge an executive secretary and ~~such~~ any officers and employees as may be necessary, and shall determine their duties and fix their compensation in accordance with applicable state statutes."

"§34-39-8.

"An applicant ~~applying for a license~~ licensure as an occupational therapist or as an occupational therapy assistant shall file a written application on forms provided by the board, showing to the satisfaction of the board fulfillment of all of the following requirements:

"(1) Applicant shall present evidence satisfactory to the board of having successfully completed the academic requirements of an educational program in occupational therapy recognized by the board.

"a. For an occupational therapist, such a program shall be accredited by the ~~Committee on Allied Health Education and Accreditation/American Medical Association, in collaboration with~~ Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc.; or an individual may have successfully completed the career mobility program of the American Occupational Therapy Association's career mobility program; Association.

"b. For an occupational therapy assistant, ~~such~~ the program shall be approved accredited by the American Occupational Therapy Association, Inc.

"(2) Applicant shall submit to the board evidence of having successfully completed a period of supervised fieldwork experience at a recognized educational institution or a training program approved by the educational institution where he or she met the academic requirements.

"a. For an occupational therapist, a minimum of 24 weeks supervised fieldwork experience is required.

"b. For an occupational therapy assistant, a minimum of eight weeks supervised fieldwork experience is required.

"(3) Applicant shall pass an examination as provided for in ~~section~~ Section 34-39-9."

"§34-39-10.

"(a) The board shall grant a license to any person certified prior to April 17, 1990 as an occupational therapist registered (OTR) or as a certified occupational therapy assistant (COTA) by the American Occupational Therapy Association, Inc. The board may waive the examination, education, or experience and grant a license to any person ~~so~~ certified after April 17, 1990, by a national occupational therapy certification board, if the board considers the requirements for certification to be equivalent to the requirements under the terms of this chapter.

"(b) The board may waive the examination, education, or experience requirements and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or an occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this chapter.

"(c) The board shall cause notification to be sent to all occupational therapists and occupational therapy assistants presently employed or practicing occupational therapy in this state. The notification ~~must~~ shall summarize the requirements of this chapter and provide information on procedures for obtaining a license."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 78; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Warren, White and Willis.

-78

Nay:

Representatives Gaines, Knight (A), McKee, Minnifield and Newton (D).

- 5

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 117. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Holmes, the House concurred in and adopted the Senate amendment to the bill, H. 117, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board with certain modifications; to amend Section 34-25-5, Code of Alabama 1975, so as to provide compensation for advisory consultants.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Polygraph Examiners Board, with the additional recommendation for statutory change of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Polygraph Examiners Board, created and functioning pursuant to Sections 34-25-1 to 34-25-36, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Section 34-25-5 of the Code of Alabama 1975, is amended to read as follows:

"§34-25-5.

"(a) The board shall issue regulations and forms consistent with the ~~provisions of this chapter for the administration and enforcement of this chapter and shall prescribe forms which shall be issued in connection therewith.~~

"(b) An order or a certified copy thereof, over board seal and purporting to be signed by the board members, shall be prima facie proof that the signatures are the genuine signatures of the board members and that the board members are fully qualified to act.

"(c) On April 11, 1989, all ~~monies~~ moneys and appropriations credited to the ~~board of polygraph examiners~~ Board of Polygraph Examiners under the provisions of ~~article~~ Article 4 of ~~chapter~~ Chapter 4, Title 41, shall be transferred by the ~~state treasurer~~ State Treasurer to the charge and custody of the ~~board of polygraph examiners~~ Board of Polygraph Examiners of the Alabama ~~department of public safety~~ Department of Public Safety; and ~~said the board of polygraph examiners is hereby charged with administering said~~ shall administer the fund as provided by

law. ~~Such~~ The fund is hereby officially known as the ~~board of polygraph examiners fund~~ Board of Polygraph Examiners Fund.

"All fees collected under ~~the provisions of this chapter~~ shall be paid to the ~~board of polygraph examiners fund~~ Board of Polygraph Examiners Fund for the purpose of administering and enforcing ~~the provisions of this chapter~~. ~~Such fees collected and~~ shall be deposited in said ~~the~~ fund.

"Warrants shall be issued by the ~~department of finance~~ Department of Finance, state comptroller's office Office of the State Comptroller, for board expenses and operation provided that no funds shall be withdrawn except as budgeted and allotted according to ~~the provisions of article~~ Article 4 of ~~chapter~~ Chapter 4 of Title 41 and only in the amounts as stipulated in the general appropriations bill.

"(d) Board members and advisory consultants shall be paid ~~\$100.00~~ one hundred dollars (\$100) per day plus mileage for attendance at regular or special board meetings, only for the actual days of meeting. The board may approve ~~such~~ the payment for a board member when authorized by the board to perform certain other duties of the board when not in formal, regular, or special session.

"(e) Employees shall be paid the same mileage expenses and travel allowance as provided for regular state employees.

"(f) The board ~~shall have the authority and discretion to may~~ determine all resources necessary for the operation of the board. Purchasing ~~will~~ shall be in accordance with the state bid law.

"(g) The board shall be exempt from payment of state sales tax."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 86; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare,

Dukes, Flowers, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-86

Nay:

Representatives Gaines, McKee and Minnifield.

- 3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 118. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Box, the House concurred in and adopted the Senate amendment to the bill, H. 118, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects with certain modifications; to amend Section 34-2-33, Code of Alabama 1975, so as to provide further for the examination fee and to provide for reinstatement of a lapsed license.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Board for Registration of Architects, with the additional recommendation for statutory change of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Board for Registration of Architects, created and functioning pursuant to Sections 34-2-30 to 34-2-42, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Section 34-2-33 of the Code of Alabama 1975, is amended to read as follows:

"§34-2-33.

"(a) The board shall receive applications for registration as an architect only on forms prescribed and furnished by ~~said~~ the board.

"Upon receipt of ~~such~~ the application and the payment of a fee, as established by the board, for residents and nonresidents, ~~said~~ the fee in no event exceeding ~~\$200.00~~ two hundred dollars (\$200) for residents and ~~\$250.00~~ two hundred fifty dollars (\$250) for nonresidents, the board shall promptly notify the applicant of examination requirements for certification.

"If the board determines the applicant requires examination, the application fee shall apply to the cost of the examination fee, which shall in no event exceed the actual cost of the examination as purchased and administered by the board.

"(b) The board may issue to ~~such~~ an applicant without further examination, a certificate of registration as an architect, provided ~~such~~ the applicant holds an unexpired certificate issued to him by the ~~national council of architectural registration boards~~ National Council of Architectural Registration Boards, hereinafter referred to as "NCARB".

"(c) ~~The~~ Either of the following facts established in the application shall be regarded as prima facie "evidence" satisfactory to the board that the applicant is fully qualified to be examined for certification:

"(1) Graduation after a course of study of ~~such~~ a length as the board shall by regulation determine from a school or college of architecture accredited by the ~~national architectural accrediting board~~ National Architectural Accrediting Board, hereinafter referred to as "NAAB", and an additional period of practical experience in architectural work under the control and supervision of a registered architect or architects as the board by regulation shall deem appropriate; ~~or,~~

"(2) Acceptable combinations of education and apprenticeship as may be established by the board; ~~provided further that such acceptable~~ Acceptable combinations of education and apprenticeship shall comply with the standards of education, training and character as set forth in Appendix "A" in the 1983 NCARB Circular of Information Number 1. Applicants for examination who meet the aforementioned qualification must submit notice of intent to sit for the examination before December 30, 1987, or 90 days after the passage of the amendatory act, whichever time period is longer. After ~~such~~ that time, the only qualification for examination acceptable to the board will be graduation from a NAAB accredited school or college and an additional period of practical experience.

~~Such~~ Unless exempted, applicants must take and pass the professional examination administered by the board.

"(d) In determining the sufficiency of the qualifications of the applicant ~~applicant's qualifications~~ for registration, a majority vote of the members of the board shall be required.

"(e) Certificates for registration shall expire on the thirtieth day of September following their issuance or renewal and shall become invalid on that day unless renewed.

"Certificates of registrants who are or may be in the armed forces of the United States shall not expire until the thirtieth day of September following ~~such registrant's~~ the discharge or final separation of the registrant from the armed forces of the United States.

"(f) Renewal may be effected at any time prior to or during the month of September by the payment of a fee for bona fide residents of the state of Alabama and by the payment of a fee for nonresidents of the state of Alabama; ~~said fees to~~ Fees shall be established in the discretion of by the board, in amounts not to exceed \$75.00 seventy-five dollars (\$75) for residents and \$150.00 one hundred fifty dollars (\$150) for nonresidents; provided further, however, that renewal must Renewal shall be effected not later than December 31 in order to avoid the penalty prescribed for failure to timely renew.

"A penalty not to exceed the sum of ~~\$75.00~~ seventy-five dollars (\$75) may be added to the renewal fee for failure to renew a certificate upon such terms and conditions as the board may by regulation determine.

"(g) A registrant whose certificate of registration has lapsed may have it reinstated, if in compliance with other relevant requirements, by filing a renewal form and paying, in addition to the appropriate renewal fee and late penalty, a reinstatement fee of one hundred dollars (\$100) for residents and one hundred fifty dollars (\$150) for nonresidents.

"(g) (h) There is hereby created, for renewal of certificate purposes, a status to be known as "emeritus status architect," which shall apply to architects who

have been registered for 10 consecutive years or longer, and who are 65 years of age or older, and who have retired from active practice. The annual renewal of registration for emeritus status shall be renewed without payment of a fee. If an emeritus status architect subsequently wishes to practice, he may do so without penalty by proper application to the board."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 84; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-84

Nay:

Representatives Gaines, McKee and Minnifield.

- 3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 481. Relating to the sale or lease of certain real property by the State of Alabama; requiring sales and leases of real property with a certain appraised value belonging to the state or the departments, boards, bureaus, commissions, institutions, corporations, and agencies of the state to be sold by open competitive public auction or sealed bids; requiring the appraisal of the property and the establishment and publication of the minimum amount at which the property may be sold or leased; requiring the advertising of proposals to make a sale or lease of real property; authorizing the payment of expenses of the sale or lease by the agency selling or leasing the property and the payment of a fee to the Lands Division of the State Department of Conservation and Natural Resources for administering the sale or lease; prohibiting certain persons from bidding on or purchasing the property; authorizing civil and criminal actions and penalties for violations of this act; providing that this act shall not apply to certain transfers, reversions, and sales; authorizing the disbursement of proceeds from the sale of property under this act; repealing all laws in conflict with this act and specifically repealing Section 41-4-33, Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Flowers, the House concurred in and adopted the Senate amendment to the bill, H. 481, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to the sale or lease of certain real property by the State of Alabama; requiring sales and leases of real property with a certain appraised value belonging to the state or the departments, boards, bureaus, commissions, institutions, corporations, and agencies of the state to be sold by open competitive public auction or sealed bids; requiring the appraisal of the property and the establishment and publication of the minimum amount at which the property may be sold or leased; requiring the advertising of proposals to make a sale or lease of real property; authorizing the payment of expenses of the sale or lease by the agency selling or leasing the property and the payment of a fee to the Lands Division of the State Department of Conservation and Natural Resources for administering the sale or lease; prohibiting certain persons from bidding on or purchasing the property; authorizing civil and criminal actions and penalties for violations of this act; providing that this act shall not apply to certain transfers, reversions, and sales; authorizing the disbursement of proceeds from the sale of property under this act; repealing all laws in conflict with this act and specifically repealing Section 41-4-33, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act applies to all real property and interests therein owned by the State of Alabama and the departments, boards, bureaus, commissions, institutions, corporations, and agencies of the state with the exception of those sales, transfers, and reversions set out in Section 13 of this act. As used in this act, real property shall include land, lots, and all things and interests, including leasehold interests, pertaining thereto, and all other things annexed or attached to the land which would pass to a vendee by conveyance of the land or lot, including mineral and gas and oil interests. The state has the right to reserve all or any part of the mineral, oil, or gas interests and also the right of ingress and egress thereto.

Section 2. All sales and leases made by, or on behalf of, the State of Alabama, or any department, board, bureau, commission, institution, corporation, or agency, of real property or any interest therein owned by the State of Alabama having an appraised value of more than ten thousand dollars (\$10,000) shall be made by free and open competitive advertised public auction or advertised sealed bids to the highest bidder.

Section 3. Each department, board, bureau, commission, institution, corporation, or agency which holds real property shall notify the Lands Division of the State Department of Conservation and Natural Resources of its desire and intention to sell or lease any of the real property and shall provide such information as may be specified by the Lands Division. The Lands Division shall be responsible for obtaining the appraisal, deed, and other documents needed for selling or leasing the property under this act and for handling the closing of the sale or lease. No sale or lease involving an amount of more than ten thousand dollars (\$10,000) shall be divided into smaller parcels involving less than ten thousand dollars (\$10,000) for avoiding the requirements of this act.

Section 4. The Lands Division shall have the real property or the interests in the real property appraised by a real estate appraiser selected by the Lands Division who is licensed by the State Board of Appraisers prior to the advertisement of the sale of the property. If the Lands Division is not satisfied with one appraisal, additional appraisals may be obtained. All appraisals shall be in writing.

Section 5. After obtaining an appraisal on the real property and consulting with the chief executive officer of the department, board, bureau, commission, institution, corporation, or agency which desires to sell or lease the real property, the Lands Division shall establish and publish the minimum amount for which the real property may be sold or leased. The determination to sell or lease the real property shall be made by the chief executive officer of the department, board, bureau, commission, institution, corporation, or agency desiring to sell or lease the real property with the approval of the Governor after giving due consideration to the results of the appraisal made upon the real property. With the approval of the Governor, the chief executive officer shall have the right to accept or reject all bids submitted for the purchase of the real property under these provisions. The chief executive officer and the Governor in consultation with the Director of the Lands

Division of the State Department of Conservation and Natural Resources shall determine if the sale or lease of real property is to be by free and open competitive advertised public auction or advertised sealed bids.

Section 6. Every proposal to make a sale or lease under this act shall be advertised for at least once a week for four weeks in advance of the date fixed for receiving bids or public auction. The advertisement shall appear at least once a week for four consecutive weeks in a newspaper of general circulation in the county or counties where the property is located, and at least one time in three other newspapers of general circulation throughout the state. Property located outside the State of Alabama shall be advertised at least one time in three newspapers of general circulation throughout the state. A copy of the proposal shall simultaneously be posted on a readily accessible public bulletin board at the main office of the Lands Division of the State Department of Conservation and Natural Resources. Persons who request notification of the sale or lease of real property by the state and who provide their mailing address with the Lands Division shall be sent notice of the sale or lease. Advertisements for bids shall state the real property to be sold, by description, where the property is located, and the dates and times when the property may be inspected. The advertisements shall further state the date, time, and place of auction or opening of sealed bids. The advertisements shall state that all bids may be rejected by the state. No bid shall be received at any time after the time advertised.

Section 7. Each person or corporation submitting a bid on real property or an interest therein to be sold or leased by the State of Alabama under this act shall present with his or her bid, payable to the Lands Division of the State Department of Conservation and Natural Resources, a certified check or bank cashier's check in the amount to be determined by the Lands Division not to exceed 20 percent of his or her bid, as a binder on the real property upon which he or she has bid. If the property is being sold at public auction, the Lands Division shall determine the amount of the binder required. The binder shall be forfeited by the person or corporation to whom the bid is awarded if the person or corporation does not complete purchase by presenting to the state a cashier's check or certified check for the amount due less the amount of the binder previously submitted on the real property within 30 days after receiving notice in writing that he or she is the successful bidder. The binder shall be applied to the purchase price of the successful bid. The Director of the Lands Division for good cause shown may extend the period for completing the sale for one additional period of seven days. Certified checks submitted as binders by those persons or corporations not awarded the bid shall be returned to the persons or corporations.

Section 8. The expenses of the appraisal and contemplated sale or lease shall be paid by the department, board, bureau, commission, institution, corporation, or agency offering the property for sale. The Lands Division of the State Department of Conservation and Natural Resources shall receive a fee in reimbursement of its actual expenses for administering the sale of real property under this act. The fee shall be disbursed to the Lands Division in the final disposition of the funds received from the sale of the property.

Section 9. The bids shall be publicly taken or opened in Montgomery or such other place as may be designated by the Lands Division, in case of sealed bids, by the Director of the Lands Division of the State Department of Conservation and Natural Resources or his or her designee and the department, board, bureau, commission, institution, corporation, or agency selling the property may have a representative present. When a sale or lease is to be made, notice shall be given to the highest bidder within 30 days after taking the bids of the state's acceptance of his or her bid and of the state's intention to sell or lease the property to him or her. The bid of the successful bidder so marked, as well as the bids of the unsuccessful bidders in the case of sealed bids, shall be placed on file open to public inspection and shall become matters of public record.

Section 10. In the event no bids are received or all the bids are rejected by the chief executive officer of the department, board, bureau, commission, institution, corporation, or agency selling or leasing the property after the approval of the Governor, the sale or lease of the real property may be negotiated. No sale or lease may be made at a price less than the highest bid received or the published minimum, whichever is highest, and the sale or lease shall require the approval of the Governor. All real property sold or leased under this act shall be paid for by the purchaser or his or her representative by cashier's check or certified check, and the sale or lease shall be closed not later than 30 days after the written notice of acceptance of the bid.

Section 11. Officers and employees of the department selling or leasing the real property and officers and employees of the Department of Conservation and Natural Resources, as well as members of their families, shall be excluded from bidding on the property at a public auction or by sealed bids. Other officers or employees of the state shall not be excluded from bidding on or purchasing the real property at public sale or sealed bid.

Section 12. Any sale or lease of real property or any interest therein of the state made in violation of this act shall be null and void, and the person or persons violating this act shall be subject to criminal prosecution by the Attorney General. In addition to the prosecution, damages for loss or injury to the state may be recovered for the State of Alabama by the Attorney General by civil action in the Circuit Court of Montgomery County. The expenses of investigation, or litigation and prosecution, or both, under this act shall be reimbursed from funds recovered to the Attorney General. All other moneys recovered by the Attorney General shall be deposited in the State General Fund. Violation of this act shall also constitute a Class C felony punishable as prescribed by law.

Section 13. This act shall not apply to the transfers of real property between departments, boards, bureaus, commissions, institutions, corporations, or agencies of the state. These transfers may be made by mutual agreements between the chief executive officers of the respective departments with the approval of the Governor. This act shall not apply to the leasing or sale of timber from unused lands under Section 9-15-1, et seq., Code of Alabama 1975; to the leasing or sale of timber from school lands and swamp and overflowed lands

under Section 9-15-30, et seq., Code of Alabama 1975; to the leasing of oil, gas, and other minerals under Section 9-17-60, et seq., Code of Alabama 1975; real property sold by the Department of Revenue under tax sales and redemptions; to the sale of property by the Alabama Historical Commission under Section 41-9-249(7), Code of Alabama 1975; to reversions made under Section 31-4-18, Code of Alabama 1975; to the sale or conveyance of real property by the Alabama Housing Finance Authority or to property traded in Right of Way Negotiations or Sales of Excess Right of Way or uneconomic remnants by the State Department of Transportation. Notwithstanding any other provisions of this act, the Alabama Forestry Commission shall have the authority to conduct real property sales in accordance with this act without going through the Lands Division. In so doing, the Alabama Forestry Commission shall comply with all other provisions of this act. This act shall not apply to the granting of easements, rights-of-way for utilities, roads, streets, and sidewalks where there is no competitive market. Notwithstanding any other provision of this act, institutions and systems of higher education with separately constituted boards of trustees or those institutions of higher education subject to the supervision and authority of the State Board of Education that have written policies and procedures governing transfers of interest in real property have the authority to conduct real property sales and leases by public auction or publicly sought sealed bid in accordance with procedures in the act for advertising and receiving bids, without going through the Lands Division of the State Department of Conservation and Natural Resources. Furthermore, in those cases in which it can be economically justified and it is deemed to be in the best interest of the institution or system and the State of Alabama to offer an interest in real property for sale or lease through a listing with a duly licensed real estate broker who shall publicize the offer in accordance with customary practices or through negotiation after publicly announced requests for proposals to sell or lease the property are made, rather than through a procedure otherwise described in this act, the institution or system may do so, provided that a written declaration setting forth the specific reasons why it is deemed to be in the best interest of the institution or system and the State of Alabama to make specific sale or lease in question in such manner is made by an agent of the institution authorized by the board of trustees or the State Board of Education, and subsequently ratified by the board of trustees or the State Board of Education and the document shall be retained and made a part of the permanent file and shall be open to public inspection. Sales and leases transacted as described in this section shall be deemed to be in compliance with all provisions of this act. Ground leases and leases of facilities by institutions of higher education to social or professional organizations, faculty members, employees, or for institution-related purposes which are designed to enhance the operation of the institution and are declared to be in the best interest of the institution by the board of trustees or the State Board of Education, are exempt from the provisions of this act. Such declaration shall be maintained as aforesaid.

Section 14. Whenever any real property is sold or leased under this act, the proceeds from the sale, less the expenses of the sale or lease, shall be deposited to the credit of the fund of the state department, commission, board, bureau, institution, corporation, or agency which offered the real property for sale.

Section 15. The Lands Division is authorized to promulgate such rules and regulations as may be necessary to implement the provisions of this act.

Section 16. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are repealed, and Section 41-4-33, Code of Alabama 1975, is specifically repealed.

Section 18. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. However, the provisions of this act shall not apply to any transaction in regard to which there is an executed contract for sale or lease as of the effective date of this act.

That Section 13 of H. 481 be amended by adding the following to the end of Section 13:

Page 12 Line 9

Except as set out hereinafter, nothing herein contained shall be construed to apply in any manner to the sale or lease of any real property or any interest therein owned in whole or in part by any County or Municipal Board of Education, any County or municipal government or any of their respective boards, agencies, departments, corporations or instrumentalities including corporations and/or boards in regard to which any County or municipal governing body is a determining or appointing authority. Provided that nothing herein contained shall be construed to apply in any manner to the sale or lease of any real property or interest therein owned by the State of Alabama and the departments, boards, bureaus, commissions, instrumentalities, corporations and agencies of the State to any County or Municipal Board of Education, any County or Municipal governing body or any of their respective boards, agencies, departments, corporations or instrumentalities including corporations and/or boards in regard to which any County or municipal governing body is a determining or appointing authority, subject to the condition that such property or any interest therein is not resold, leased or otherwise transferred in whole or in part to any private person, firm or corporation without compliance with the provisions of this Act. Provided, however, that if the property is to be sold within five years from the date it was acquired, the state shall have the right to repurchase the property at the price it was sold by the state. Provided, further, that all such transactions between any County or Municipal Board of Education, any county or municipal government or any of their respective boards, agencies, departments, corporations or instrumentalities including corporations or boards and the state or any department, board, bureau, commissions, instrumentalities, corporations and agencies of the state shall have the approval of the Governor and written notice of such transaction shall be given to the Lands Division of the Conservation Department at least 30 days before the closing of such transaction.

Yeas 93; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

Nay:

Representative Minnifield.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 468. To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to implement a foundation program for the annual funding of the public schools of the state to the extent necessary to provide educational opportunities according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-73, 16-13-76, 16-13-91, 16-13-121, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10, 16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23, 16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sections 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3,

16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

MOTION TO CONCUR OFFERED

Representative McMillan offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 468, said amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to implement a foundation program for the annual funding of the public schools of the state to the extent necessary to provide educational opportunities according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-73, 16-13-76, 16-13-91, 16-13-121, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10, 16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23, 16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sections 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby established a fund for the public schools of the state which shall be known as the foundation program fund and which shall be used for providing a minimum school term and for providing educational opportunities. This fund shall comprise all appropriations made by the legislature to the credit of the foundation program fund and any other funds set aside for that purpose.

Section 2. (a) In addition to all other appropriations and apportionments of public school money now provided by law and made available for public schools there shall be apportioned and paid to local boards of education from the foundation program fund, the amounts to be determined as hereinafter provided and in accordance with regulations of the state board of education. This foundation program fund shall be used principally:

(1) To aid in providing at least a 175 day minimum school term; and,

(2) To assist in the promotion of educational opportunity for all children in the public schools.

(b) The following requirements and procedures, supplemented when necessary by regulations of the state board of education, shall govern the apportionment of the fund:

(1) REQUIREMENTS FOR PARTICIPATING IN FUND. -- In order for a local board of education to share in the apportionment of the foundation program fund and to receive the maximum benefits therefrom, the board shall meet the following conditions:

a. The appropriate local governing body must insure that the local board of education within its jurisdiction is receiving an amount of local tax receipts equivalent to ten mills of school tax as computed from the most current assessed valuation of property which comprises the school tax district(s) of the local board of education. The state superintendent of education shall determine compliance with this provision of the law in accordance with rules or procedures adopted by the state board of education. In determining compliance for a county board of education, tax revenues provided to the county board of education from the county, from whatever tax source derived, shall be considered. In determining compliance for a city board of education, tax revenues provided to the city board of education by the county and the city, from whatever tax source derived, shall be considered.

b. In the expenditure of all funds available for the foundation program as herein defined, the local board of education shall as nearly as practicable provide the same length of term in all schools.

c. The local board of education shall provide a school term of at least 175 days, or such part of that school term as can be maintained by using funds available and as defined by regulations of the state board of education; and provided further, that in case the local board of education fails to operate any schools the minimum 175-day term, or the minimum term as defined by the state board of education, the foundation program allowances of the local board of education shall be computed only for the actual period the schools are in session that school year.

d. The local board of education shall expend funds for teachers' salaries in accordance with a salary schedule adopted by the local board of education and approved by the state superintendent of education; provided, that such salary schedule shall be at least ninety-five percent (95%) of those salary amounts specified in the state salary matrix by cell.

The local board of education shall allocate state and local foundation program funds to each school in an equitable manner, based on the needs of the students and the schools, as reflected in the current year's actual student populations, including at risk students, students receiving special education services, and students enrolled in vocational/technical educational programs. The local board of education shall report annually to the state board of education on how all state and local funds for public education, including foundation program funds and capital outlay funds, have been allocated to each of its schools or area vocational centers.

e. The local board of education shall submit to the state superintendent of education, under the regulations of the state board of education, the following:

1. A proposed building program which sets out in detail the location of all present and proposed buildings; which indicates proposed educational centers and grades to be taught at these centers and which provides schools for all children of the local board of education.

2. Except for those city boards of education not maintaining a transportation system, a proposed transportation program showing the proposed routing of buses and the condition of all roads to be used for transportation.

3. A proposed professional development program which sets out in detail the professional development needs of employees of the local board of education.

4. A proposed technology program which sets out in detail the proposed expenditures of technology funds.

5. A proposed program for the provision of services to students with disabilities and gifted students in compliance with applicable state and federal laws.

6. A proposed program for the provision of vocational educational services in compliance with applicable state and federal laws.

7. A proposed program for the provision of educational services to at-risk students in compliance with applicable state and federal laws. The proposed program for at-risk students shall include the provision that all funds allocated shall be spent for at-risk students.

f. The local board of education shall meet such other standards as may be set up by the state board of education to promote improved educational opportunity and provide better schools.

(2) DETERMINING COST OF FOUNDATION PROGRAM. -- In determining the cost of the foundation program, the state board of education shall proceed to find the following allowable costs for each local board of education: teachers' salaries, fringe benefits, classroom instructional support, and other current expense.

a. The foundation program allowance for salaries of teachers shall be determined as follows: The number of teacher units allowed in Section 3 of this Act for each local board of education shall be multiplied by the amount or amounts per teacher unit, which amounts shall be based on the average salaries for each major classification required by the operation of the salary matrix established by the state board of education. In determining the salary matrix the state board of education shall give due consideration to degree level, certification, and public education experience. Any teacher, including but not limited to a vocational education teacher, currently under contract in excess of 180 days shall not have the term or salary of said contract reduced as a result of this Act.

b. The foundation program allowance for fringe benefits shall be determined by multiplying a uniform percentage times the amount of teachers' salaries allowed in subsection a. above or by multiplying a fixed rate depending on the type of fringe benefit. The fringe benefits allowances shall include amounts for the employer's contribution for teachers' retirement, health insurance, social security, medicare, unemployment compensation, personal leave, and sick leave. The fringe benefits allowance may include allowances for other fringe benefits as may be approved by the state board of education. The state board of education shall seek the input and advice of appropriate agencies and individuals in setting allowances.

c. The foundation program allowance for classroom instructional support shall be determined by multiplying a uniform amount times the number of teacher units allowed in Section 3 of this act. The uniform amount shall include allowances for library enhancement, classroom materials and supplies, professional development, and technology. The library enhancement appropriation shall be for K-12 Public School Library/Media Centers and is an absolute appropriation. Not less than 50% of the above appropriation is to be expended for books. Other expenditures may include book binding, repair, CD Roms, computer software, computer equipment, cataloging, audio-visual materials, newspapers, magazines, recordings, and video tapes. The uniform amount may include allowances for other classroom instructional support as may be approved by the state board of education. The foundation program allowance for classroom instructional support shall also include an allowance for textbooks which shall be determined on a per pupil basis. The number of pupils shall be determined by the number of pupils in average daily membership during the first forty scholastic days of the preceding school year. The state board of education shall recommend to

the governor the amount for each cost factor included in classroom instructional support on or before December 1 of the current fiscal year for the ensuing fiscal year.

d. The foundation program allowance for other current expense shall be determined by multiplying a uniform amount by the number of earned units. The uniform amount shall be recommended by the state board of education to the Governor on or before December 1 of the current fiscal year for the ensuing fiscal year.

e. The state board of education may cause, from time to time, a study of allowances for teachers' salaries, fringe benefits, classroom instructional support and other current expense of local boards of education to be conducted and, based on the results of the study, may propose any necessary changes to the governor and legislature and/or adjust such allowances accordingly.

f. The total cost of the foundation program for any local board of education shall be the total allowed for teachers' salaries, for fringe benefits, for classroom instructional support and for other current expense. The allowances herein to the local boards of education shall be expended subject to all applicable laws, rules and regulations, however, the total funds calculated in the total cost of the foundation program for teachers' salaries shall be expended for salaries within the instructional program.

(3) DETERMINING FUNDS AVAILABLE TO PROVIDE FOUNDATION PROGRAM. --

a. The funds available to meet the cost of the foundation program shall be appropriated by the legislature taking into consideration an amount of local effort required on the part of each local board of education. The required local effort charged against each local board of education for its share of the cost of the foundation program shall be as follows:

1. For the 1995-96 fiscal year, the equivalent of five mills of local school tax district ad valorem tax as reported pursuant to subsection (b)(1)a. of this Section.

2. For the 1996-97 fiscal year, the equivalent of seven and one-half mills of local school tax district ad valorem tax as reported pursuant to subsection (b)(1)a. of this section.

3. For the 1997-98 fiscal year, the equivalent of ten mills of local school tax district ad valorem tax as reported pursuant to subsection (b)(1)a. of this section.

4. For each fiscal year thereafter, the equivalent of ten mills of local school tax district ad valorem tax as reported pursuant to subsection (b)(1)a. of this Section.

b. After calculating the total cost of the foundation program for each local board of education, the state allocation from the Alabama special educational trust fund is calculated by subtracting the local effort required by this section from said total cost. Although the cost of the foundation program is calculated for each school, the one sum allocation for each local board of education shall flow monthly to the local board of education. The state funds for the foundation program shall be allotted by the state board of education consistent with state board of education rules and regulations.

Section 3. (a) In determining the number of teacher units for the purpose of apportioning the state foundation program, one teacher unit or fraction thereof shall be allowed for the specified number of pupils in average daily membership as provided for in subsection (b) of this section, during the first forty scholastic days of the preceding school year in the public schools. Average daily membership is defined as the average number of students enrolled on a daily basis. Each school shall earn instructional support units based on the accreditation standards of the Commissions which comprise the Southern Association of Colleges and Schools or as otherwise required by an accreditation system adopted by the state board of education. Instructional support units shall be earned for principals, assistant principals, counselors, and librarians, and shall be added to a school's teacher units to determine total units earned for each school. An instructional support unit earned for a principal shall be increased by .22 for elementary schools and .33 for unit schools, secondary schools, and area vocational centers. Each area vocational center shall earn only one instructional support unit which shall be a principal. Those local boards of education which show an increase in average daily membership during the first forty scholastic days of the current year may be allowed one additional teacher unit or fraction thereof for each specified number of pupils in subsection (b) of this section in such increase in average daily membership for such current year.

(b) The grade level divisors for each fiscal year shall be weighted for each grade to provide funding for special education and vocational education. For the 1995-96 school year the grade level divisors include for special education 5% full time equivalent across all grades weighted 2.5 times the regular student weight. For the 1995-96 school year the grade level divisors include for vocational/technical education 7.4% full time equivalent in grades 7-8 weighted 1.4 times the regular student weight, and 16.5% full time equivalent in grades 9-12 weighted 2.0 times the regular student weight. Said weights for special education and vocational education shall be recommended to the governor annually by the state board of education. For the 1995-1996 school year, one teacher unit shall be allowed for each 16 pupils in average daily membership in kindergarten through third grade; one teacher unit shall be allowed for each 24 pupils in average daily membership in grade four through grade six; one teacher unit shall be allowed for each 23 pupils in average daily membership in grade seven through grade eight; and one teacher unit shall be allowed for each 20 pupils in average daily membership in grade nine through grade twelve. Beginning in the 1996-97 school year, the teacher unit divisors shall be recommended to the governor annually by the state board of education, but shall not be higher than the divisors established for the 1995-1996 school year.

(c) It is the intent of the legislature that local boards of education experiencing increases in average daily membership receive payment for additional current teacher units earned pursuant to subsection (a) as early in the school year as possible. The state superintendent of education shall certify to the state budget officer the amount for additional current teacher units earned and/or other current expense increase required by subsection (j) herein and shall adjust the local board of education's regular allocation of state funds, and make requisition on the state comptroller accordingly, within thirty days of receipt of the first forty scholastic days membership report.

(d) Current units shall be calculated by comparing the first forty scholastic days of average daily membership of a current year with that of the prior year. This comparison shall be grade by grade with the prior year first forty scholastic days average daily membership subtracted from the current year first forty scholastic days average daily membership. The difference shall be divided by the foundation program grade divisor for each grade. The result by grade shall be summed over all grades to yield current teacher units by local board of education. No current teacher units shall be earned if the number of units by local board of education is less than or equal to zero. The total of all current teacher units by local board of education determines the number of state current teacher units for the year.

(e) The allocation of funds for current teacher units shall be determined by multiplying the average allocation per teacher unit in the current year foundation program.

(f) Current teacher unit calculations shall be completed by the state department of education not later than December 1 of the current year and the allocation of current teacher unit funds shall be distributed in accordance with subsection (c) of this Section.

(g) If funds allocated for current teacher units are insufficient to fully fund current teacher units, the allocation for each current teacher unit shall be prorated accordingly based upon funds available for that purpose.

(h) The state department of education shall report to the governor by December 1 of each year the estimated current teacher units for the next budget year.

(i) Current teacher units shall be allocated only when earned.

(j) Current teacher unit funds not earned shall be distributed to all local boards of education as an increase in other current expense.

(k) Local boards of education have the management responsibility to allocate current teacher unit funds where needed.

Section 4. (a) The allowance for transportation for those local boards of education providing same shall be determined as follows for any local board of education: The number of pupils transported on transportation routes approved under regulations of the state board of education shall be multiplied by an amount per pupil which is to be fixed by the state board of education and applied to local boards of education within groups having similar density of population; provided, that studies shall be made from time to time to determine whether the cost allowed per pupil or the cost unit should be changed in any or all local boards of education. In determining the amount to be allotted for transportation, said allotment shall include an allowance for transportation in accordance with the provisions of Section 16-39-11; however, no allowance shall be made for transporting pupils who live less than two miles from the school they are attending unless such pupils can be shown to be disabled and require transportation. Upon a petition to the state superintendent of education by the local board of education, the two mile limit may be waived by the state superintendent of education to protect the safety of the children. The total amount allotted any local board of education for transportation shall not exceed a figure determined by the state board of education in terms of the ratio between pupils transported to school and the total number of pupils attending school in the jurisdiction of such local board of education or some similar ratio established by the state board of education. Any local board of education which qualifies for a transportation allowance must provide buses which meet minimum standards established by the state board of education and must take such other steps to protect the safety of the children as are required under regulations of the state board of education.

(b) The allowance for transportation provided in (a) above shall include funding for depreciation based on a depreciation schedule established by the state board of education. The depreciation funding included in the transportation allowance shall be set aside in a restricted fund by the local boards of education for fleet renewal only and shall not be used for operating costs. These transportation cost allowance depreciation funds shall not revert to the Alabama special educational trust fund but shall be carried forward from fiscal year to fiscal year to renew the transportation fleet of the local boards of education.

Section 5. (a) In making apportionment of the public school fund held by the state, to the local boards of education, the state superintendent of education shall first set apart and distribute to the schools of each township the amount due from the state thereto as interest on its sixteenth section fund, or other trust fund held by the state.

(b) It is the intent of the legislature to insure that no local board of education receive less state funds per pupil than it received in fiscal year 1994-95. For this reason the foundation program for each local board of education shall be supplemented, if necessary, by a hold harmless allowance. The base amount of each local board's hold harmless allowance calculation is the 1994-95 program cost as defined herein. The 1994-95 program cost of each local board of education was determined by using the first forty scholastic days of average daily membership from 1993-94. Beginning with the fiscal year 1995-96, the hold

harmless allowance calculation shall be the current year foundation program state allocation, including allocated public education employees' health insurance plan reserves, less the fiscal year 1994-95 program cost as defined herein. The fiscal year 1994-95 program cost is defined as including the local boards of education allocations for kindergarten through grade twelve plus fringe benefits including public education employees' health insurance plan reserves and the public school fund less the transportation allowance.

(c) Beginning with the fiscal year 1995-96, the first cost to the public school fund, after complying with the provisions of subsection (a) of this Section, shall be the hold harmless allowance. The hold harmless calculation shall continue until no local board of education receives less funds per pupil than it received in fiscal year 1994-95. However, this hold harmless allowance shall terminate not later than one fiscal year beyond the phase in of ten mills equivalent of local effort pursuant to Section 2 of this Act.

(d) It is the intent of the legislature that funds shall be provided to local boards of education in addition to foundation program funds to provide continuing funding to provide for soundness and adequacy of public school facilities in Alabama. To that end the remainder of the public school fund after deducting the costs pursuant to subsections (a) and (c) of this Section shall be available to the local boards of education for capital outlay projects, including the planning, construction, reconstruction, enlargement, improvement, repair or renovation of public school facilities, for the purchase of land for public school facilities and for the acquisition and/or purchase of education technology and equipment.

(e) It is the intent of the Legislature that the distribution of capital funds for the purpose of capital purchases from the Public School Fund be made to all school systems, require a variable matching with local funds based on yield per mill per average daily membership of district property tax, and guarantee the same amount per student in each system for capital purchases from the total of state and matching local funds. The Public School and College Authority shall allocate the available funds pursuant to the rules adopted by the State Board of Education. Also, to receive funds from this appropriation, the local board of education must develop a comprehensive, long range capital plan addressing the facility, educational technology and equipment needs of the local board of education, pursuant to the rules adopted by the state board of education. The goal of this program is to have each local board of education complete its comprehensive, long range capital plan and begin making satisfactory progress in implementing the plan for providing adequate public school facilities for all students.

(f) In addition to rules adopted by the State Board of Education and used by the Public School and College Authority in the distribution of said funds, it is the intent of the Legislature to impose the following. For fiscal year 1996 a school system may elect to use up to 100 percent of its matched capital purchase funds for serving at risk students as defined by the State Board of Education or a legislative approved definition. For fiscal year 1997 a school system may elect to use up to 75 percent, in fiscal year 1998 up to 50 percent, and in fiscal year 1999

up to 25 percent. It is the intent of the Legislature that beginning in fiscal year 2000, all Public School Funds must be used for capital purchases as specified in Section 5, paragraph (e) above. School systems electing to expend their allocations of capital purchase funds on at risk student programs pursuant to this subsection shall expend those funds for effective programs and tutorial assistance programs that include but shall not be limited to after school, Saturday, and/or summer school; provided, that such programs shall be outside of the normal day school.

Section 6. (a) All local boards of education are required, in order to receive state funds, to furnish all such information and to file such records and reports as may be required by the state board of education.

(b) The state superintendent of education shall provide to the Legislative Fiscal Office and the Department of Finance any and all data necessary to enable those departments to calculate the cost of the foundation program and other funding provisions of this Act.

(c) The state superintendent of education and the state board of education are hereby authorized and required to promulgate such reasonable rules and regulations as may be necessary to implement the provisions of this Act.

Section 7. Funds provided by the state to local boards of education for vocational/technical education shall be spent only for its intended purposes.

Section 8. It is not the intent of the legislature to require, and the legislature expressly so declares that it does not require, any county to provide funding to any city board of education beyond the city board of education's pro rata share of any countywide tax.

Section 9. Should any county or city governing body fail to provide an amount of local tax support for its respective local board of education in an amount equivalent to the mills of ad valorem tax as required by law, the foundation program fund allocation for the local board of education, as the case may be, shall be reduced by an amount equal to the difference between the amount of tax support actually provided and the amount of tax support required by law.

Section 10. Section 16-1-18, Code of Alabama 1975, is hereby amended to read as follows:

"§16-1-18.

"(a) The boards of control of city and county school systems and local boards of education and the board of the Alabama Institute for Deaf and Blind shall provide for the payment of school bus drivers and all full-time support personnel who are noncertificated educational employees for absences resulting from sickness, accidents, or some other unavoidable cause which prevents the employee from discharging his or her duties; provided, that any employee not utilizing or

being paid for the sick leave in any one year may accumulate days at the rate of one day per month for the months employed and carry over the unutilized days to the next consecutive year or years of employment for the same ~~school system~~ local board of education or institution or for any other ~~school system~~ local board of education or institution in which the employee may later be employed until he or she shall accumulate the maximum number of days as provided in subsection (b) of Section 16-1-18.1. The reasons for granting sick leave shall be the same as those for teachers.

~~(b) The superintendent of the school system shall certify to the state board of education the actual number of days taken and the actual number of substitutes employed and the cost involved. The state board of education shall reimburse the local boards of education for no more than actual costs of employing substitutes up to the amount paid substitute teachers. Should the funds appropriated be insufficient, each board shall be reimbursed on a pro rata basis. The Alabama Institute for Deaf and Blind shall handle all transactions relating to its sick leave program in the same manner as all other state agencies do for their employees."~~

Section 11. Section 16-4-5, Code of Alabama 1975, is hereby amended to read as follows:

"§16-4-5.

"The state superintendent of education shall make the annual apportionment of school funds to the ~~several counties~~ local boards of education of the state as provided in this title."

Section 12. Section 16-8-26, Code of Alabama 1975, is hereby amended to read as follows:

"§16-8-26.

~~"Any county or city local board of education or the Alabama Institute of Deaf and Blind shall be authorized to grant to any teacher within its school system personal leave of up to five days annually noncumulative, during the time schools are in session. The board shall enact policies providing for uniform administration of personal leave, and shall determine whether the leave is to be with part pay, full pay or without pay, except that any approved leave for which the state education budget foundation program fund includes funding shall be with pay. It is further provided that personal leave shall be reimbursed to the teacher at the end of the school year at the same daily rate as is paid to substitute teachers for each day of personal leave not taken by a teacher. The number of unused personal leave days subject to reimbursement shall be limited to the number of personal leave days for which funding is provided in the annual special educational trust fund budget foundation program fund. Personal leave funds provided by the state shall be distributed to local boards of education by the state superintendent of education according to a plan developed by him. No teacher, as a condition to receive personal leave, shall be required to divulge his/her reasons for requesting such leave."~~

Section 13. Section 16-8-26.1, Code of Alabama 1975, is hereby amended to read as follows:

"§16-8-26.1.

"(a) When used in this section, the following terms shall have the following meanings, respectively:

"(1) SUPPORT PERSONNEL OR EMPLOYEE. Maid, custodian, adult bus driver, lunchroom or cafeteria worker, secretary, clerk, clerical assistant, maintenance worker, or other non-certificated employee who works an average of 20 hours weekly and who is not otherwise covered by the state merit system or teacher tenure law.

"(2) EDUCATIONAL AUTHORITY. ~~All public county school systems, all public city school systems~~ local boards of education, the Alabama Institute for Deaf and Blind, all public two-year educational institutions, and the Alabama School of Fine Arts, and the Alabama High School of Mathematics and Science.

"(b) Each educational authority shall grant not less than two days of personal leave with pay to its support personnel during the time schools are in session. Additional days may be granted by the educational authority at its discretion. No employee, as a condition to receive personal leave, shall be required to divulge his/her reasons for requesting such leave. The board of control of the educational authority shall enact policies providing for uniform administration of personal leave.

~~"(c) To meet the requirements of this section, there is hereby appropriated from the special educational trust fund to the state board of education, to be allocated by formula of uniform application to local county and city boards of education, the Alabama Institute for Deaf and Blind and the department of youth services school district, for the fiscal year ending September 30, 1986 and all subsequent fiscal years, such sums as may be necessary to meet these requirements. Provided that no local board shall claim reimbursement for any day for which a substitute employee was not used to replace the regular employee on leave."~~

"(d) (c) Funding for not less than two days of personal leave shall come from appropriations made through the annual appropriations act to the minimum foundation program in the Alabama special educational trust fund. Funding for additional personal leave days shall be at the expense of the educational authority."

Section 14. Section 16-13-7, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-7.

"In addition to all other funds appropriated for the public ~~elementary and high~~ schools of the state there is hereby appropriated to the ~~minimum~~ foundation program fund for each fiscal year any and all funds which may be made available to the state of Alabama by the federal government or any instrumentality thereof for financing a ~~minimum~~ foundation education program or for the support and maintenance of public ~~elementary and secondary~~ schools; provided that any federal funds made available for vocational education shall be and are hereby appropriated to the state board of education for vocational education."

Section 15. Section 16-13-10, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-10.

"The ~~county~~ custodian of school funds of each local board of education shall pay promptly upon receipt all payrolls filed by the ~~county~~ local board of education superintendent of education and which are certified by the ~~county~~ local board of education superintendent to be correct, due and unpaid and which are approved by the chairman of the ~~county~~ local board of education."

Section 16. Section 16-13-11, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-11.

"The ~~county~~ custodian of school funds of each local board of education shall keep proper vouchers for all moneys paid out and shall make such reports as may be called for by the state and ~~county~~ local boards of education."

Section 17. Section 16-13-12, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-12.

"The ~~county~~ custodian of school funds of each local board of education may be removed by the ~~county~~ local board of education when, in the opinion of the said ~~county~~ local board, the best interests of the public schools may require."

Section 18. Section 16-13-13, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-13.

~~"(a) The funds provided under the Education Appropriations Act for the purchase of instructional supplies and materials and appropriated to the state board of education for all teachers employed (except ESEA Title I, Title III, and~~

~~Title IV teachers and ESAA teachers) shall be allocated by the state board of education to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. From the funds provided herein above, each county and city board of education shall allocate to the individual schools in their respective systems their pro rata amount as may be appropriated by the legislature for each teacher unit assigned to each school.~~

~~"(b) All faculty members will be given the opportunity for input. The faculty and principal of each school shall cooperatively develop a budget for the purchase of instructional supplies and materials and, by a majority vote of the faculty, approve a budget for the school. At least one-half of the amount allocated shall be available for each teacher for materials and supplies for that teacher's students provided, however, any teacher may sign a waiver releasing said funds for joint purchases within the schools. No board of education shall withhold from any school any funds to which it is entitled under the provisions of this section except during years of proration; provided further, however, if proration is declared and is subsequently removed or lifted, then funds for said instructional supplies, materials and equipment shall be spent as originally appropriated. Based upon the budget developed by the faculty, the principal shall recommend to the superintendent the recommended amount to be allocated to each teacher to be spent for agreed upon items and other amounts to be used for the common good of all for the operation of the instructional program within the school. The local school board shall issue requisitions for purchases from these funds and shall issue purchase orders and handle all financial transactions in compliance with this section.~~

~~"(c) It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In courses not required for graduation, local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment, provided, however, that such fees shall be waived for students who cannot afford to pay the fee. Any funds collected in fees shall be spent on the course for which the fee was levied. This section shall not be construed to prohibit community groups or clubs from fundraising activities, provided, however, that students shall not be required to participate in such fundraising activities. Any funds provided herein not expended during the fiscal year shall revert to the Alabama special educational trust fund."~~

Section 19. Section 16-13-31, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-31.

~~"(a) The tax collector/revenue commissioner of each county must keep a record of all receipts and disbursements of school funds of his/her county to the several schools and of each apportionment to cities having a city board of education local boards of education of the county, and shall apportion the school funds among the proper school officials of the various county and city boards of education as directed by the state superintendent of education.~~

"(b) The tax collector/revenue commissioner of each county shall apportion county-wide taxes collected for the purposes of participating in the foundation program to each local board of education in the county on the basis of the total calculated costs of the foundation program for those local boards of education within the county. The total calculated costs of the foundation program for each local board of education shall be the sum of state funds received from the foundation program and the amount of local effort required pursuant to Section 2 (3)a of this Act.

"(c) The apportionment of county-wide taxes collected for the purposes of participating in the foundation program as determined in Section 16-13-31(b) shall be used unless the local boards of education in a county sign a mutual agreement and secure the approval of the state superintendent of education to use some other plan involving desirable special adjustments."

Section 20. Section 16-13-32, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-32.

~~"All local school moneys raised for the support of public schools by taxation or otherwise shall be apportioned and expended in the district or districts or counties in which the same were raised, under such rules and regulations as the county or city board of education, as the case may be, may prescribe, but this section shall not be construed to repeal any provision for the apportionment and disbursement of moneys mentioned in this title or provided for in special or local laws, and a~~All funds contributed by persons or otherwise to any school or school district shall be applied as indicated in the grant from such contributors."

Section 21. Section 16-13-36, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-36.

~~"The Any county commissions of the several counties of Alabama appropriate local governing body are is~~ authorized at any meeting of said ~~commission governing body~~ in any calendar year to appropriate any funds ~~they~~ it may deem proper and expedient out of the general funds of the ~~county governing body's~~ treasury to local boards of education for the construction, repair, operation, maintenance and support of new or existing public schools within the jurisdiction of said county governing body."

Section 22. Section 16-13-37, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-37.

"(a) When approved at a referendum election held for such purposes in the manner hereinafter prescribed, any ~~county or city~~ local board of education may divert any earmarked revenue derived by it from county sales and use taxes heretofore levied and imposed by local laws enacted by the legislature of Alabama which exclusively earmarked such county sales and use taxes for capital outlay, construction and maintenance of public schools and use or spend the same for general educational purposes, including payment of teachers' salaries, other current school expenses, and costs of school transportation, the provisions of any general, special or local law to the contrary notwithstanding.

"(b) Upon the written request of the ~~county local~~ board of education ~~or of the board of education of any city having a city board of education~~ to the county commission, the referendum elections referred to in subsection (a) of this section may be called, held and conducted as nearly as may be in accordance with ~~the provisions of article 9 of this chapter~~ state law. In counties which apportion such sales and use taxes between county boards of education and city boards of education under local laws or by agreement between said county and city boards of education, upon the joint written request of such county and city boards of education to the county commission, such referendum elections may be consolidated into one countywide vote, and the result of such consolidated election shall govern the permissive use of such earmarked revenue thereafter by both the county and city boards of education.

"(c) This section shall not be construed so as to permit or allow the diversion or use for general educational purposes of any earmarked or dedicated school revenue derived by any ~~county or city~~ local board of education from county sales and use taxes which have heretofore been pledged by such ~~county or city~~ local board of education or other governing body to the amortization, payment or retirement of any school bond issue, school loan or school contract of any kind which calls or provides for the payment thereof from said earmarked school revenues."

Section 23. Section 16-13-73, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-73.

"Before issuing any warrants hereunder, the board of education by which such warrants are proposed to be issued shall cause an application for approval of such issue to be filed with the state superintendent of education. Such application shall be in such form and shall contain such information as the state superintendent of education may prescribe, and he may require such further information as may be necessary relating to the proposed warrants or other financial or educational matters under the control of such board of education. He shall not approve the issue of any warrants hereunder which would jeopardize the ~~minimum~~ state's foundation program of education as prescribed by law and in

accordance with the rules and regulations of the state board of education. He shall not approve the issue of any warrants hereunder when the principal of or the interest on any other warrants constituting a preferred claim against the tax proceeds to be pledged for payment of the proposed warrants is overdue and unpaid, except warrants to refund the same. The written approval of the state superintendent of education of the amount and general purpose of the warrants shall be a sufficient approval of the issue, but he may at his discretion approve any of the terms and provisions of the warrants which in such event shall not be issued otherwise. He shall not approve the issuance of any refunding warrants unless evidence presented to him in his judgment shows:

(1) That an interest saving will thereby be effected without extending the date of payment of the warrants desired to be refunded;

(2) That payment of warrants desired to be refunded will prevent the issuing board of education from operating schools the customary term in their jurisdiction;

(3) That an extension of the time of payment of the warrants desired to be refunded is necessary to prevent the state's minimum foundation program from being jeopardized; or

(4) That the proceeds of the tax pledged for payment of the warrants to be refunded are not or will not be sufficient for the payment of the principal of and the interest on such warrants.

The state superintendent's approval of the issue of any warrants hereunder shall be a conclusive determination that all necessary evidence has been presented to him. The written approval of the state superintendent of education of the issue of any warrants hereunder shall be a conclusive determination in favor of the validity of such warrants that all of the requirements of this article have been complied with. The state superintendent of education may also determine conclusively for all purposes relating to the validity of any warrants issued hereunder whether any other warrants constitute a preferred claim against the tax proceeds out of which the proposed warrants are payable. In all matters connected with his approval of warrants, the state superintendent of education shall comply with any regulations or instructions of the state board of education, but his failure to do so shall not affect the validity of warrants approved by him."

Section 24. Section 16-13-76, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-76.

"Nothing herein contained shall be construed to authorize any local board of education to pledge, for the benefit of any warrants issued hereunder, any portion of the minimum foundation program fund moneys paid, apportioned or allocated to it under the provisions of ~~article 3~~ of this chapter, nor any portion of public school fund moneys paid, apportioned or allocated to it under the provisions of ~~article 2~~ of this ~~chapter~~ article."

Section 25. Section 16-13-91, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-91.

"Before issuing any warrants hereunder the county board of education or the city board of education, as the case may be, shall cause an application for approval of such issue to be filed with the state superintendent of education. Such application shall be in such form and shall contain such information as the state superintendent of education may prescribe, and he may require such further information as may be necessary relating to the proposed warrants or other financial or educational matters under the control of such board of education. He shall not approve the issue of any warrants which would jeopardize the ~~minimum~~ state's foundation program of education as prescribed by law and in accordance with the rules and regulations of the state board of education. He shall not approve the issue of any warrants hereunder when the principal or interest of any other warrants constituting a preferred claim against the same tax is overdue and unpaid, except warrants to refund the same. The written approval of the state superintendent of education of the amount and general purpose of the warrants shall be a sufficient approval of the issue, but he may at his discretion approve any of the terms and provisions of the warrants which in such event shall not be issued otherwise. He shall not approve the issuance of any refunding warrants unless evidence presented to him in his judgment shows:

(1) That an interest saving will thereby be affected without extending the date of payment of the warrants desired to be refunded; or

(2) That payment of warrants desired to be refunded will prevent the issuing board of education from operating schools the customary term in their jurisdiction; or

(3) That an extension of the time of payment of the warrants desired to be refunded is necessary to prevent the state's ~~minimum~~ foundation program from being jeopardized; or

(4) That the proceeds of the tax pledged for payment of the warrants to be refunded are not or will not be sufficient for the payment of the principal of and the interest on such warrants.

The state superintendent's approval of the issue of any warrants hereunder shall be a conclusive determination that all necessary evidence has been presented to him. The written approval of the state superintendent of education of the issue of any warrants hereunder shall be a conclusive determination in favor of the validity of such warrants that all of the requirements of section 16-13-120 and this section have been complied with. The state superintendent of education may also determine conclusively for all purposes relating to the validity of any warrants issued hereunder whether any other warrants constitute a preferred claim against the same tax proceeds. In all matters connected with his approval of warrants the

state superintendent of education shall comply with any regulations or instructions of the state board of education, but his failure to do so shall not affect the validity of warrants approved by him."

Section 26. Section 16-13-121, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-121.

"Before issuing any warrants under section 16-13-120, the county board of education or the city board of education, as the case may be, shall cause an application for approval of such issue to be filed with the state superintendent of education. Such application shall be in such form and shall contain such information as the state superintendent of education may prescribe, and he may require such further information as may be necessary relating to the proposed warrants or other financial or educational matters under the control of such board of education. He shall not approve the issue of any warrants which would jeopardize the ~~minimum~~ state's foundation program of education as prescribed by law and in accordance with the rules and regulations of the state board of education. He shall not approve the issue of any warrants hereunder when the principal or interest of any other warrants constituting a preferred claim against the same tax proceeds is overdue and unpaid, except warrants to refund the same. The written approval of the state superintendent of education of the amount and general purpose of the warrants shall be a sufficient approval of the issue, but he may at his discretion approve any of the terms and provisions of the warrants which in such event shall not be issued otherwise. He shall not approve the issuance of any refunding warrants unless evidence presented to him in his judgment shows:

(1) That an interest saving will thereby be affected without extending the date of payment of the warrants desired to be refunded; or

(2) That payment of warrants desired to be refunded will prevent the issuing board of education from operating schools the customary term in their jurisdiction; or

(3) That an extension of the time of payment of the warrants desired to be refunded is necessary to prevent the state's ~~minimum~~ foundation program from being jeopardized; or

(4) That the proceeds of the tax pledged for payment of the warrants to be refunded are not or will not be sufficient for the payment of the principal of and the interest on such warrants.

The state superintendent's approval of the issue of any warrants hereunder shall be a conclusive determination that all necessary evidence has been presented to him. The written approval of the state superintendent of education of the issue of any warrants hereunder shall be a conclusive determination in favor of the validity of such warrants that all of the requirements of this article have been

complied with. The state superintendent of education may also determine conclusively for all purposes relating to the validity of any warrants issued hereunder whether any other warrants constitute a preferred claim against the same tax. In all matters connected with his approval of warrants the state superintendent of education shall comply with any regulations or instructions of the state board of education, but his failure to do so shall not affect the validity of warrants approved by him."

Section 27. Section 16-13-144, Code of Alabama 1975, is hereby amended to read as follows:

"§16-13-144.

"(a) No ~~county or city~~ local board of education shall spend or obligate itself to spend more money in any fiscal year than the estimate of income available to that board of education for that year, plus balances on hand at the beginning of said fiscal year, which estimate must be approved by the state superintendent of education, if such excess expenditure or excess obligation to spend results in a deficit for that fiscal year, except as provided in section 16-13-145. The estimate of income shall include estimates of income from revenue receipts from all sources and estimates of nonrevenue receipts from all sources, but excluding all funds derived from loans other than loans obtained by the issuance of school warrants authorized by the laws of the state. Provided, however, this section shall not apply to the ~~1979-1980 or any subsequent~~ fiscal year where there is proration of education funds going to local ~~school boards of education~~. ~~During years in which proration is declared, local city and county boards of education shall have authority to transfer expenditures between and among line item categories, provided that no funds shall be transferred from salaries to other line item categories.~~

"(b) If a ~~county or city~~ local board of education in any fiscal year violates the provisions of this section, the state board of education shall reduce in the succeeding fiscal year the allotment from the ~~minimum~~ foundation program fund to which such ~~county or city~~ local board of education is otherwise entitled an amount equal to one fourth of said deficit.

"(c) If any ~~county or city~~ local superintendent at any time makes a financial statement to his or her local board of education or to the state superintendent of education in which said superintendent purposely misrepresents the amount of the deficit or obligations outstanding of his or her local board of education, he or she shall be guilty of a misdemeanor and punishable by a fine of not less than \$100.00 and not more than \$500.00."

Section 28. Section 16-13-145, Code of Alabama 1975, is hereby amended to read as follows:

"16-13-145.

"(a) Any ~~county or city~~ local board of education shall have authority during any fiscal year upon the recommendation of the ~~county or city~~ local superintendent of education, as the case may be, to borrow money in anticipation of the current revenues for that fiscal year and to pledge the current revenues for said fiscal year for the payment of such loan or loans if funds on hand are not sufficient to pay the salaries of teachers and to meet the current expenses when due; provided, that the party or parties making such loan or loans to a local board of education shall not be put upon inquiry as to the validity of such indebtedness because of this provision. The total amount of such loans a local board of education may have outstanding at any time during the fiscal year shall be determined as follows: From the total estimate of current revenue of that local board of education for that fiscal year, which estimate is approved by the state superintendent of education, deduct the sum of the current revenue already received for that fiscal year and the principal and interest due on school warrants during that fiscal year and unpaid at that time and the difference shall be the maximum amount of current loans said local board of education can have outstanding in anticipation of current revenue at any given time. All such current loans shall be due and payable not later than the close of the fiscal year for which the current revenue is pledged provided that if the state of Alabama makes the final apportionment of school funds for a fiscal year after the close of that fiscal year, such loans may be extended at the close of the fiscal year until such time as the state makes its final apportionment. If for any reason at the close of a fiscal year a local board of education does not have on hand sufficient funds to retire all current loans, the party or parties making such loans to the local board of education shall not be put upon inquiry as to the validity of such loan or loans due to any provision of this article and any such loans unpaid at the close of any fiscal year shall become a first lien on the current revenue of the succeeding fiscal year subject only to the prior lien of principal and interest due on school warrants if such warrants are outstanding. At no time shall loans be secured to meet the current expenses in any year which shall pledge the school revenues of any other fiscal year; provided, that expenditures for teachers' salaries for services rendered and for transportation for the scholastic year, July 1 to June 30, inclusive, for any year, and expenditures for fuel and school classroom materials and supplies to be consumed in the scholastic year, July 1 to June 30, inclusive, for any year, shall be paid ~~from receipts for that fiscal year, October 1 to September 30, inclusive, which begins October 1 after the beginning of the scholastic year, or from cash on hand and if for any reason the local boards of education do not have on hand sufficient funds to pay such expenditures then the~~ local and county and city boards of education shall have authority upon the recommendation of the ~~county or city~~ local superintendent of education, as the case may be, to borrow money to pay for such expenditures and to pledge therefor the school revenue for that the ensuing fiscal year ~~from which such expenditures are to be paid~~; provided, that such loan must be repaid during that fiscal year for which the school revenue is pledged.

"(b) Notwithstanding the provisions of subsection (a) of this section, section 16-13-144, or any other provision of law, any ~~county or city~~ local board of education upon the recommendation of the ~~county or city~~ local superintendent of education shall have authority to contract with the Tennessee Valley Authority for the purpose of obtaining funds from the Tennessee Valley Authority's Commercial and Industrial Energy Conservation Financing Plan or any similar plan developed by the Tennessee Valley Authority, in accordance with the terms and conditions established for such programs by the Tennessee Valley Authority, to assist said ~~county or city~~ local board of education in modifying any school buildings as may be determined to be energy-inefficient in order to improve the energy efficiency of such buildings. No contract authorized by this subsection shall be effective until approved by the state superintendent of education."

Section 29. Section 16-35-2, Code of Alabama 1975, is hereby amended to read as follows:

"§16-35-2.

"Before transacting any business, each member of the committee on courses of study and its secretary shall take an oath before someone authorized to administer oaths to discharge faithfully the duties imposed upon him or her as a member or as secretary of said committee on courses of study, and that he or she has no interest as an author, an associate author, a publisher, a representative of authors or publishers, and that he or she is in no way connected with the distribution of books, or pecuniary interested directly or indirectly in the business or profits of any person, firm or corporation anywhere engaged in manufacturing, publishing or selling school books.

"Members of the committee on courses of study shall be paid a per diem at the rate provided by state law during the time they are in session; provided, that the committee shall not remain in session at any one time for a longer period than 30 days and in addition shall receive travel expenses at the rate provided by state law for mileage from their homes to the place of meeting and return, the per diem and mileage to be paid from the appropriations made for the purchase of free textbooks to the state department of education."

Section 30. Section 16-36-3, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-3.

"The organizational meeting of each state textbook committee shall be called by the state superintendent of education and shall be held within two weeks following the date of appointment of the state textbook committee members, and the committee shall meet thereafter on call of the chairman of the committee or of the state superintendent of education.

"At the organizational meeting the state textbook committee shall elect one of its members to act as chairman of the committee and one of its members as secretary of the committee. Other necessary meetings shall be held as determined by the state textbook committee or upon the call of its chairman or the state superintendent of education. The state superintendent of education shall notify the members of the committee of each meeting by registered or certified mail prior to the time of such meeting. The members of the state textbook committee shall be paid per diem expenses at the rate provided by state law during the time they are engaged in such work and in addition shall receive travel expenses at the rate provided by state law for each mile traveled from home to the place of meeting and return, to be paid out of ~~the revolving fund appropriated to the state board of education or from any other appropriation made for that purpose~~ appropriations made to the state department of education. Each member of the committee, before receiving per diem for expenses, shall submit to the state superintendent of education a notarized statement of the number of miles traveled and the number of days engaged in such work; provided, that no member shall be paid for more than 25 days in any school year. ~~When it becomes necessary to pay out any funds in accordance with the provisions of this chapter, the state superintendent of education shall make requisition upon the comptroller to draw his warrant upon the treasurer for the amount for which the requisition is made."~~

Section 31. Section 16-36-5, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-5.

"Local textbook committees shall meet on call of the chairman of local boards of each school system for the purpose of selecting textbooks from the list of adoptions by the state board of education or, if authorized by law applicable to such local system, to select textbooks from a list submitted to the committee for consideration by the proper local authority. No textbook shall be used in any public school of this state unless selected by a local textbook committee from the list of textbooks adopted by the state board of education or as otherwise provided by law. Publishers shall furnish samples of all state-adopted textbooks to each ~~separate city and county~~ local board of education for evaluation by the local textbook selection committee. One copy of each textbook adopted by the local textbook committee shall be retained by the ~~city or county~~ local board of education as official samples. All samples not adopted by the local boards shall be returned to the publishers at the expense of the publishers, and samples of those books adopted shall become the property of the local boards of education; however, if the publisher fails to reclaim his samples of nonadopted books within 90 days, the sample books shall become the property of the ~~state department of education's library service~~ local board of education. Those ~~local school systems~~ boards of education currently having the right to adopt and use textbooks that are not on the state list of adoptions shall continue to have such right under this ~~chapter~~ article, and the cost and expense of acquiring such textbooks shall be paid from ~~foundation program funds credited distributed to the local systems in the state textbook fund~~ boards of education for this purpose."

Section 32. Section 16-36-6, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-6.

"The adoption of a textbook by a majority vote of the local committee shall be for a period of six years and may not be changed within such period of time unless such change has been authorized by the state board of education or as otherwise authorized by law.

"Not more than one sixth of the total value of the required textbooks, in all grades, as determined by contract prices in effect in each successive year multiplied by the number of books required in each grade and subject, of state-owned or local board-owned textbooks may be replaced by new adoptions in any one year by any ~~city or county school system~~ local board of education.

"The superintendent of education of each local ~~school system~~ board of education shall not later than 30 days after the date of such adoptions file a report with the state superintendent of education listing the titles, the names of the authors, the publishers and the date of adoption of each textbook."

Section 33. Section 16-36-10, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-10.

"All adoptions recommended by the state textbook committee and subsequently adopted by the state board of education shall be for a period of six years, and no change shall be permitted within such period unless recommended to the state board of education by the state textbook committee.

"In addition to all other laws which forbid the use of textbooks in the public schools of the state by authors who are members of the communist party or members of communist front organizations, all contracts with publishers for furnishing state-owned or local board-owned textbooks shall stipulate that the author or authors of such book or books is not a member of the communist party or known advocate of communism or Marxist socialism and is not a member of the communist party or of a communist front organization.

"The state board of education shall establish procedures to stabilize the expiration of publishers' contracts for state-adopted books in a manner to effect an orderly review and new adoption of textbooks within the financial limitations imposed by this ~~chapter~~ article."

Section 34. Section 16-36-12, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-12.

"Each publisher who makes a bid or proposal to furnish school textbooks shall be required to deposit with the treasurer of the state a sum of money such as the state board of education shall require, but not less than \$500.00 nor more than \$2,500.00, according to the number of books such bidder proposes to supply, which sum shall be forfeited absolutely to the state board of education for the use of the ~~free textbooks fund~~ state board of education for purposes enumerated in this article, if the bidder making the deposit shall fail or refuse to make and execute such contract and required bond. The time within which said contract and bond shall be executed shall be stated in the advertisement inviting bids or proposals. All bids shall be sealed and deposited with the state superintendent of education to be opened at a time designated by the superintendent, provided bidders have been given reasonable notice in advance."

Section 35. Section 16-36-13, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-13.

"The maximum price at which the state board of education shall contract for local boards of education to pay f.o.b. the local ~~county or city~~ board of education for any books to be used in the public schools of this state, after all discounts have been deducted, shall not exceed the minimum price at which the publisher sells such books in wholesale quantities f.o.b., the publisher's publishing house, after all discounts have been deducted. Any contract made for the purchase of books for use in the public schools of this state at a price higher than such determined maximum shall be void. Every contract entered into under the provisions of this ~~chapter~~ article by the state board of education on behalf of the local boards of education and any publisher or publishing company shall contain a provision that the publisher covenants and agrees that he or she is not furnishing under contract executed after the first day of January of the year in which the contract becomes effective, to any state, county or school district in the United States the textbooks embraced in the contract at a price below the price stipulated therein; that the publisher further covenants and agrees that if at any time during the period of the contract the textbooks therein named shall be contracted for at a price to any state, county or school district in the United States, lower than the price agreed upon in the contract, then that lower price shall become the contract price between the state board of education on behalf of the local boards of education and the publisher named therein; that the publisher further covenants and agrees that if, at any time during the period of the contract, any editions of the textbooks therein named substantially similar to the official copy on file in the office of the state superintendent of education shall be contracted for at a lower price with any state, county or school district in the United States, the state board of education may at its option substitute for the edition therein contracted for the said substantially similar edition at said lower price. If the state board of education shall find that any such book or books so contracted for are being sold at a lower contract price in any other state than the price for which they are being sold to Alabama, the

contract shall be forfeited. Each contract shall provide that in the event of violation of this pricing agreement such contractor shall return all money collected for such books and also forfeit said book or books to the state respective local boards of education, this being the agreed measure of damages stipulated to have been suffered by the state board of education and the local boards of education. Action may be brought in the name of the state on the bond of the contractor for all losses sustained, and any sum recovered shall be deposited to the credit of the ~~state textbook fund~~ Alabama special educational trust fund."

Section 36. Section 16-36-15, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-15.

"Upon receipt of a requisitions from the state superintendent of education, the state purchasing agent shall, in accordance with existing statutes and procedures governing state purchases, issue ~~a purchase order to the publisher~~ state-wide purchase contracts upon which local boards of education shall issue local purchase orders to the publishers who shall ship such books ordered to the local ~~county or city boards of education, shipping charges prepaid.~~"

Section 37. Section 16-36-16, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-16.

"A provision shall be incorporated in all contracts with textbook publishers that local boards of education shall be permitted to purchase with local funds textbooks for free distribution at the same price at which the ~~state is~~ local boards of education are permitted to purchase such books with state funds. Contracts with publishers shall also provide that the publishers shall replace defective or substandard books without cost to the purchaser, and contracts shall also provide for the time of delivery, penalties for delay in delivery and such other provisions as in the judgment of the state board of education will insure prompt delivery of all textbooks at the lowest possible price."

Section 38. Section 16-36-17, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-17.

"All books contracted for shall be shipped upon purchase orders of the local boards of education ~~state purchasing agent. The state superintendent of education shall, upon receipt of a requisition for books from a county or city superintendent of education, either revise or return for revision or approve such requisition and forward same to the state purchasing agent.~~ The publisher or publishing company shipping such books shall prepare quadruplicate invoices or bills for the books so shipped. One copy shall be mailed to the state

superintendent of education and the other three to the ~~county or city~~ local superintendent of education to whom the books are shipped."

Section 39. Section 16-36-18, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-18.

"The ~~county or city~~ local superintendent of education, upon receipt of any shipment of books as provided herein, shall forthwith determine if the shipment is in accordance with the invoices or bills and, if in accordance, he or she shall approve and receipt the invoices, one copy of which he or she shall send to the state superintendent of education and one copy to the publisher. ~~Upon approval of the state superintendent of education, payment shall be made for such purchase and charged against that portion of the state textbook fund which has been credited to the particular county or city school system.~~ Payment shall be made by the local board of education for such purchase and charged against the foundation program funds distributed to the local board of education for such purposes or other funds available to the local board of education for such purposes."

Section 40. Section 16-36-23, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-23.

"The state department of education in conjunction with the state purchasing agent shall ~~purchase and furnish contracts from which state-owned and state-adopted textbooks for the pupils and teachers in classrooms and schools operated under the jurisdiction and supervision of the Alabama state hospitals department of mental health and mental retardation can be purchased.~~ Such purchases shall be made from appropriations to the state department of education ~~for the purchase of textbooks to be furnished free in the first six grades in the tax-supported public schools of the state~~ mental health and mental retardation. The state board of education may make and enforce regulations for the proper care and accounting for such state-owned textbooks."

Section 41. Section 16-36-24, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-24.

"The state department of education in conjunction with the state purchasing agent shall ~~purchase and furnish contracts from which~~ state-owned and state-adopted textbooks for the pupils and teachers in classrooms and schools operated under the jurisdiction of the Alabama institute for deaf and blind can be purchased. Such purchases shall be made from appropriations to the ~~state department of education for the purchase of textbooks to be furnished in the public schools of the state~~ Alabama institute for deaf and blind. The state board of education may

make and enforce regulations for the proper care and accounting for such state-owned textbooks and shall not be required to purchase and furnish special books or materials for the deaf and blind."

Section 42. Section 16-36-25, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-25.

"The state department of education in conjunction with the state purchasing agent shall furnish purchase and contracts from which state-owned and state-adopted textbooks for the pupils and teachers in classrooms and schools operated by the following state institutions: the Alabama boys' industrial school, the state training school for girls and the Alabama industrial school at Mt. Meigs department of youth services can be purchased. The cost of the textbooks provided herein shall be paid from appropriations to the state department of education for the purchase of textbooks to be furnished in the public schools of the state department of youth services. The state board of education may make and enforce regulations for the proper care and accounting for such state-owned textbooks and shall not be required to purchase and furnish any special books or materials under the provisions of this section."

Section 43. Section 16-36-31, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-31.

"The state superintendent of education shall keep a record of all textbooks delivered to the county and city local superintendents of education under the provisions of this chapter article as shown by the invoices herein provided for, and the state department of examiners of public accounts shall make periodic audits of all accounting books and records pertaining to the textbooks which have been so furnished at state or local expense, requiring a complete accounting for all such textbooks as shown by the records. The county and city local superintendents shall certify to the state superintendent of education that the total inventory of state-owned and local-owned books for each subject does not exceed by five percent the total number of pupils enrolled in the grades and subjects for which the books were purchased. If an audit by the department of examiners of public accounts shows that the inventory does exceed the five percent prescribed herein, the chief examiner shall charge such excess to the local superintendents. Any necessary blanks or forms required to assist in the orderly effectuation of this program shall be prescribed by the chief examiner of public accounts and shall be furnished by the state superintendent of education to each local superintendent, and the expense thereof paid from the funds allotted for the administration of the state textbook fund department of education."

Section 44. Section 16-36-32, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-32.

"All textbooks furnished free of charge to pupils shall remain the property of the state or local school system, as the case may be, and when distributed to pupils shall be retained for normal use only during the period they are engaged in a course of study for which the textbooks are selected. At the completion of each course of study or otherwise at the instructions of the principal or teacher in charge, such textbooks shall be returned as directed. A receipt shall be required from each pupil, parent or guardian upon issuance of any textbook, which receipt shall be retained until the return of such textbook. The parent, guardian, or other person having custody of a child to whom such textbooks are issued shall be held liable for any loss, abuse or damage in excess of that which would result from the normal use of such textbooks. In computing the loss or damage of a textbook which has been in use for a year or more, the basis of computation shall be a variable of 50 to 75 percent of the original cost of the book to the state or local board of education. If such parent, guardian or person having custody of such child to whom the textbook was issued fails to pay such assessed damages within 30 days after notification, such student shall not be entitled to further use of such textbooks until remittance of the amount of loss or damage shall be made. All remittances for damages shall be deposited to the credit of the ~~city or county~~ local textbook fund and may be used or the repair, maintenance and replacement of textbooks. The respective ~~county and city~~ local boards of education may waive the payment as provided herein if in their judgment the respective parent or guardian is not financially able to make such payment; provided, the local system shall contribute from local funds sums equal to the amount so waived."

Section 45. Section 16-36-35, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-35.

"Pupils enrolled in the public schools or any parent or guardian of any such pupil may buy textbooks at the price paid for them by the state board of education or local board of education plus handling charges, such handling charges not to exceed 15 percent of the publisher's contract price paid by the state or local board of education; and all contracts made with publishers shall so provide. Each ~~city and county~~ local board of education may provide for the sale of such textbooks as may be needed by pupils for whose grades or courses free textbooks are not furnished. Sale of such textbooks may be made by the ~~city or county~~ local board of education in the school system of which such pupil is enrolled, but the ~~city or county~~ local board of education may make such sales through a designated employee or agent thereof. No handling charge allowed thereunder shall inure to any member, officer or employee of any ~~city or county~~ local board of education.

"All books issued by the separate schools and school systems may be used by pupils to whom issued in the same manner and to the same extent as though such books were owned by the pupils, their parents or guardians as the case may be, except that such pupils, parents or guardians shall be liable for such loss or damage to books as hereinabove provided and for the return thereof."

Section 46. Section 16-36-36, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-36.

"Neither the state superintendent of education, ~~nor~~ any member of the state board of education, any local superintendent of education, nor any member of any local board of education shall have an interest, directly or indirectly, in any contract that might be made pursuant to provisions of this ~~chapter article~~ for the purchase of textbooks by the state or local boards of education, nor shall he have any interest as an author, an associate author, a publisher, a representative or agent of an author or of a publisher of any textbook, nor shall he have any pecuniary interest, directly or indirectly, in the business or profits of any person, firm or corporation engaged in manufacturing, publishing or selling of textbooks, nor shall he or she accept any emolument, promise of future reward or consideration of value of any kind from any publisher of textbooks or his or her agent. Each member of the state board of education and each member of all local boards of education shall, before qualifying, take the oath of office required by section 16-36-4 in the case of members of local textbook committees. Any violation of this provision shall be unlawful. Upon conviction of any such violation such person shall be subject to a fine not exceeding \$10,000.00 or five years in the state penitentiary or both, and his or her office as a member of the state board of education or member of a local board of education shall be forfeited."

Section 47. Section 16-36-39, Code of Alabama 1975, is hereby amended to read as follows:

"§16-36-39.

"No provision, part or section of this chapter shall be construed or considered to be an appropriation of funds from the state treasury; and the administration of this ~~chapter article~~ shall be subject to appropriations ~~specifically~~ made by the legislature ~~except as otherwise herein specifically authorized by section 16-36-27.~~"

Section 48. Section 16-39-10, Code of Alabama 1975, is hereby amended to read as follows:

"§16-39-10

"The ~~state~~ local superintendents of education ~~is~~ are authorized to purchase and arrange for distribution among schools ~~boards~~ previously adopted textbooks, equipment and materials which are prepared in various resource and media centers for the use of vision and hearing impaired children and those having other special learning disabilities enrolled in the public schools in Alabama or whose tuition and expenses at other schools are being paid by a ~~school-board~~ local board of education under the provisions of this ~~chapter article~~."

Section 49. Section 16-39-11, Code of Alabama 1975, is hereby amended to read as follows:

"§16-39-11.

"When authorized by regulations of the state board of education in lieu of the amount calculated on the basis of average daily attendance membership otherwise authorized by law, there shall be allowed from the Alabama special educational trust fund (the minimum program fund) appropriation for transportation for each bus used exclusively for the purpose of transporting eight or more pupils classified as exceptional children who are unable to ride regular school buses 80 percent of the cost of such transportation, and a proportionate amount shall be allowed for a vehicle used exclusively for the transportation of a smaller number of exceptional children in average daily attendance membership as prescribed by regulations of the state board of education."

Section 50. Section 25-4-150, Code of Alabama 1975, is hereby amended to read as follows:

"§25-4-150.

"Such moneys as are necessary to finance the fringe benefit costs for employees of local ~~school systems~~ boards of education shall be paid by the local ~~school system board of education~~ board of education from funds allocated from the special educational trust fund, and such amounts are hereby appropriated from the special educational trust fund for this purpose such funds as the salaries of the local boards' of education employees are paid."

Section 51. Section 40-12-4, Code of Alabama 1975, is hereby amended to read as follows:

"§40-12-4.

"(a) In order to provide funds for public school purposes, the governing body of each of the several counties in this state is hereby authorized by ordinance to levy and provide for the assessment and collection of franchise, excise and privilege license taxes with respect to privileges or receipts from privileges exercised in such county, which shall be in addition to any and all other county taxes heretofore or hereafter authorized by law in such county. Such governing body may, in its discretion, submit the question of levying any such tax to a vote of the qualified electors of the county. If such governing body submits the question to the voters, then the governing body shall also provide for holding and canvassing the returns of the election and for giving notice thereof. All the proceeds from any tax levied pursuant to this section less the cost of collection thereof shall be used exclusively for public school purposes, including specifically and without limitation capital improvements and the payment of debt service on obligations issued therefor.

"(b) Notwithstanding anything to the contrary herein, said governing body shall not levy any tax hereunder measured by gross receipts, except a sales or use tax which parallels, except for the rate of tax, that imposed by the state under this title. Any such sales or use tax on any automotive vehicle, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the probate judge, where not collected by a licensed Alabama dealer at time of sale, shall be collected and fees paid in accordance with the provisions of sections 40-23-104 and 40-23-107, respectively. No such governing body shall levy any tax upon the privilege of engaging in any business or profession unless such tax is levied uniformly and at the same rate against every person engaged in the pursuit of any business or profession within the county; except, that any tax levied hereunder upon the privilege of engaging in any business or profession may be measured by the number of employees of such business or the number of persons engaged in the pursuit of such profession. In all counties having more than one ~~school system~~ local board of education, revenues collected under the provisions of this section shall be distributed within such county on the same basis ~~as funds received by the county from the minimum of the total calculated costs for the foundation program~~ fund are distributed for those local boards of education within the county."

Section 52. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 53. Whenever any act, section of the Code of Alabama 1975, or any other provision of law refers to the "minimum program" as it relates to the funding of education, it shall be deemed a reference to the "foundation program."

Section 54. All laws or parts of laws which conflict with this act are repealed and specifically 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.3, 16-3-18.4, 16-3-18.5, 16-3-20.1, 16-3-36, 16-3-38, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7 and 21-1-20 of the Code of Alabama 1975 are hereby repealed.

Section 55. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall be implemented with the beginning of the 1995-96 fiscal year.

Amend House Bill 468 on page 7, line 11 after the word "established" by inserting the following: "by the Legislature in the Education Trust Fund appropriation bill and adopted".

Further amend the bill on page 7, line 12 by striking the word "determining" and inserting in lieu thereof the following: "recommending to the Governor and the Legislature".

On page 10, lines 25-26; and on page 16, line 21; and on page 25, line 12; and on page 52, line 12; and on page 62, lines 7-8, delete "Alabama special educational trust fund" and substitute in lieu thereof: "Education Trust Fund".

Amend House Bill 468 as substituted on page 18, line 26 and on page 19, lines 13 and 14 by striking the language "Public School and College Authority" and by substituting in lieu thereof the following: "State Superintendent of Education".

Amend House Bill 468 on page 40, line 21, by adding the following: No funds shall be transferred by any board of education from salary allocations to any other expenditure or for any other purpose. In times of proration, salaries shall not be subject to proration.

On page 12, line 2 after the word "principal" add: "(director) and shall continue to earn a counselor should it have received a counselor unit in 1994-95."

Amend House Bill 468 as substituted on page 8, line 3 by striking the language "board of education" in both of its occurrences and inserting in lieu thereof the language "Legislature".

Further amend the bill on page 8, line 5 following the language "allowances." by inserting the following: "The Teachers' Retirement System and the Public Education Employees Health Insurance Board shall recommend to the Legislature on or before the first legislative day of each Regular Session of the Legislature the rate for the following fiscal year. The Legislature shall set the rate in the annual appropriation bill."

On page 9, lines 16 and 17, place a period after the word "legislature" and strike the rest of the sentence.

Amend House Bill 468 as substituted on page 6, line 26 after the language "program," by inserting the following: "the Legislature based on the recommendations of"

On page 8, delete line 14 in its entirety and delete the words "for books." on line 15

Amend House Bill 468 as substituted on page 8, line 5, following the Freeman Amendment by inserting the following: "The rate per employee set by the Legislature for teachers' retirement and employees health insurance shall be in effect for the entire fiscal year and shall not be increased by the Teachers' Retirement System or the Public Education Employees Health Insurance Board, except by further action of the Legislature."

**SUBSTITUTE MOTION TO NON-CONCUR AND REQUEST
COMMITTEE ON CONFERENCE BE APPOINTED TABLED**

On motion of Representative McMillan, the substitute motion offered by Representative Morton that the House non-concur in the Senate amendment to the bill, H. 468, and request the Speaker appoint a Committee on Conference on the disagreement of the two Houses was tabled.

Yeas 80; Nays 15.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Pringle, Reed, Robinson, Sanderford, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Vance, Warren, White, Willis and Wren.

-80

Nay:

Representatives Carns, Carothers, Curry, Gaines, Hall (L), Hawkins, Johnson (R), McAdory, Morton, Payne, Petelos, Rogers (J), Rogers (M), Sanderson and Townsend.

-15

MOTION TO CARRY OVER TABLED

On motion of Representative McMillan, the motion offered by Representative Sanderson to carry over the bill, H. 468, and the pending motion that the House concur in and adopt the Senate amendment, to the twenty-second legislative day was tabled.

Yeas 46; Nays 34.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Buskey, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Ford, Gaines, Galliher, Gipson, Hamilton, Haney, Hawk, Hayden, Hooper, Jackson, Knight (J), Laird, Layson, Letson, Maull,

McClammy, McDaniel, McKee, McMillan, Melton, Mitchell, Papucci, Parker (P), Penry, Pringle, Sanderford, Sims, Smith, Thomas (D), Warren, White, Willis and Wren.

-46

Nay:

Representatives Baker, Carns, Carothers, Curry, Gaston, Guin, Hall (A), Hall (L), Hawkins, Hill, Hilliard, Houston, Johnson (E), Johnson (R), Jorgensen, McAdory, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Perdue, Petelos, Rogers (J), Rogers (M), Sanderson, Spratt and Townsend.

-34

REPORT FILED

The Report of the Joint Interim Study Committee on Agriculture was submitted by the Chairman, Senator Hap Myers, to the Alabama Legislature of 1995, and the report was ordered filed.

H. 468 RESUMED

MOTION IN WRITING OFFERED

Representative Parker (P) offered the following Motion in Writing relating to the bill, H. 468:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 49; Nays 27.

Yea:

Representatives Allen, Bandy, Boyd, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Ford, Gipson, Guin, Hall (A), Hamilton, Hawk, Hayden, Hill, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Laird, Letson, Maull, McDaniel, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Penry, Pringle, Robinson, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Vance, Warren, Willis and Wren.

-49

Nay:

Representatives Baker, Buskey, Carns, Carothers, Curry, Gaines, Gaston, Haney, Hawkins, Hilliard, Houston, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, McKee, Minnifield, Morton, Payne, Perdue, Petelos, Rogers (J), Sanderford, Sanderson, Spratt and Townsend.

-27

The question was then on the motion offered by Representative McMillan that the House concur in and adopt the Senate amendment to the bill, H. 468.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 110. COMMENDING JANE HOLLEY BURNETT OF VERNON, ALABAMA, ON THE OCCASION OF HER RETIREMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 110, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 111. DESIGNATING H. 195 OF THE 1995 REGULAR SESSION THE "KEN GUIN ALABAMA COAL PRODUCTION ACT."

WHEREAS, Representative Ken Guin of Carbon Hill has worked diligently, patiently, and tirelessly for the passage of H. 195 of the 1995 Regular Session, which provides incentives for corporations purchasing coal that is mined and used in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That H. 195 of the 1995 Regular Session, when enacted, shall be designated and may be cited as the "Ken Guin Alabama Coal Production Act."

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 111, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Melton:

H.R. 297. MOURNING THE DEATH OF LUCILLE WHITE FREEMAN OF BROWNSVILLE, ALABAMA.

Also:

By Representative Melton:

H.R. 298. MOURNING THE DEATH OF HENRY BERNARD JACKSON OF TUSCALOOSA, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Melton:

H.J.R. 299. MOURNING THE DEATH OF LUCILLE WHITE FREEMAN OF BROWNSVILLE, ALABAMA.

The resolution, H.J.R. 299, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hogan and Guin:

H.J.R. 300. URGING THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO DENY A PERMIT FOR A SEWAGE TREATMENT FACILITY NEAR SMITH LAKE.

The resolution, H.J.R. 300, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Robinson and Hall (A):

H.R. 301. DIRECTING THE AGRICULTURE AND INDUSTRIES DEPARTMENT TO STUDY AVAILABLE METHODS AND RESOURCES TO RELIEVE THE LADY BEETLE INFESTATION PROBLEM IN NORTH ALABAMA AND TO SUBMIT RECOMMENDATIONS TO RESOLVE THE PROBLEM.

The resolution, H.R. 301, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Thomas (D):

H.R. 302. COMMENDING THE SPRINGVILLE HIGH SCHOOL BETA CLUB FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolution was introduced:

By Representative Millican:

H.J.R. 303. AMENDING ACT 95-100, HJR 55 OF THE 1995 REGULAR SESSION ENTITLED "DESIGNATING HIGHWAY 278 IN WINSTON COUNTY AS 'LOONEY'S TAVERN PARKWAY'."

The resolution, H.J.R. 303, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Flowers:

H.R. 304. CONGRATULATING MR. AND MRS. J. C. HARDEN ON THE OCCASION OF THEIR 70TH WEDDING ANNIVERSARY.

Also:

The following resolution was introduced:

By Representative Morrow:

H.J.R. 305. COMMENDING RAY L. AND ROY HAYES OF CHEROKEE, ALABAMA.

The resolution, H.J.R. 305, was read and referred to the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 117. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraph Examiners Board with certain modifications; to amend Section 34-25-5, Code of Alabama 1975, so as to provide compensation for advisory consultants.

Also:

H. 115. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Occupational Therapy with certain modifications; to amend Sections 34-39-3, 34-39-5, 34-39-7, 34-39-8, and 34-39-10, Code of Alabama 1975, so as to provide for the referral by any licensed physician or dentist; to remove those provisions permitting certain short-term unlicensed practice in the state; to provide for the registration of occupational therapy practitioners; and to provide further for license requirements.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 112. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors with certain modifications; to amend Sections 34-11-4, 34-11-30, 34-11-31, and 34-11-36, Code of Alabama 1975, so as to provide further for reciprocity; to provide further for board membership qualifications.

Also:

H. 113. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects with certain modifications; to amend Sections 34-17-4, 34-17-21, 34-17-25, and 34-17-26, Code of Alabama 1975, so as to provide further for the use of the title "landscape architect" in a corporate or partnership name; to provide further for the submission of applications and the qualifications of applicants; to discontinue the issuance of temporary certificates; and to provide for reciprocity with other countries.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 481. Relating to the sale or lease of certain real property by the State of Alabama; requiring sales and leases of real property with a certain appraised value belonging to the state or the departments, boards, bureaus, commissions, institutions, corporations, and agencies of the state to be sold by open competitive public auction or sealed bids; requiring the appraisal of the property and the establishment and publication of the minimum amount at which the property may be sold or leased; requiring the advertising of proposals to make a sale or lease of real property; authorizing the payment of expenses of the sale or lease by the agency selling or leasing the property and the payment of a fee to the Lands Division of the State Department of Conservation and Natural Resources for administering the sale or lease; prohibiting certain persons from bidding on or purchasing the property; authorizing civil and criminal actions and penalties for violations of this act; providing that this act shall not apply to certain transfers, reversions, and sales; authorizing the disbursement of proceeds from the sale of property under this act; repealing all laws in conflict with this act and specifically repealing Section 41-4-33, Code of Alabama 1975.

Also:

H. 118. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board for Registration of Architects with certain modifications; to amend Section 34-2-33, Code of Alabama 1975, so as to provide further for the examination fee and to provide for reinstatement of a lapsed license.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:10 P.M. on June 22, 1995.

H. 73

H.J.R. 255

Delivered to the Governor at 2:50 P.M. on June 22, 1995.

H.J.R. 285

Delivered to the Governor at 5:20 P.M. on June 22, 1995.

H. 117

H. 118

H. 115

H. 112

H. 481

H. 113

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Gaines, the House adjourned until 1:00 o'clock p.m., Tuesday, June 27, 1995.

Yeas 46; Nays 43.

Yea:

Representatives Baker, Bandy, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Dean, Drake, Flowers, Gaines, Galliher, Graham, Hall (L), Haney, Hawkins, Hilliard, Holmes, Houston, Johnson (E), Johnson (R), Kennedy, Knight (J), McAdory, McClammy, Moore, Morrow, Morton, Newton (D), Page, Payne, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Townsend, Turnham, Willis and Wren.

-46

Nay:

Mr. Speaker, Allen, Box, Carter, Clouse, Collins, Dolbare, Ford, Gaston, Gipson, Guin, Hall (A), Hammett, Hawk, Hayden, Hill, Hogan, Hooper, Jorgensen, Knight (A), Laird, Letson, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Murphree, Newton (C), Papucci, Parker (P), Penry, Perdue, Pringle, Sims, Smith, Thomas (J), Vance, Venable, Warren and White.

-43

TWENTY-SECOND DAY

**House of Representatives
Montgomery, Alabama
Tuesday, June 27, 1995**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Walter Albritton, Trinity United Methodist Church, Opelika, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Rachael Mary Alcorn, 8th Grade, Millbrook Middle School, Millbrook, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-first legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twenty-first legislative day was dispensed with.

SENATE MESSAGE**H. 468 TAKEN UP**

And the bill:

H. 468. To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to implement a foundation program for the annual funding of the public schools of the state to the extent necessary to provide educational opportunities according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-73, 16-13-76, 16-13-91, 16-13-121, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10, 16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23, 16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sections 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

and the pending motion offered by Representative McMillan on the twenty-first legislative day that the House concur in and adopt the Senate amendment to the bill, H. 468, were taken up.

MOTION TO CONCUR ADOPTED

The question was then on the motion offered by Representative McMillan that the House concur in and adopt the Senate amendment to the bill, H. 468, and the motion to concur was adopted.

Yeas 86; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

Nay:

Representatives Carns, Gaines, Hawkins, Johnson (E), Minnifield, Newton (D), Payne, Sanderson and Starkey.

- 9

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 306. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-second legislative day, Tuesday, June 27, 1995, taking precedence over the regular order of business or any pending or unfinished business:

Uncontested Local Bills

And the Following bills:

Inst Id	Page
H. 872 - By Fuller	113
Alabama Incentives Financing Authority estab., auth. issue bonds with debt service paid by cert. TVA payments in lieu of taxes and excise tax on banks	
H. 871 - By Allen	113
Alabama Incentives Finance Authority bond issues, debt service by certain TVA payments in lieu of taxes, payment continues to counties and Tenn. Valley Exhibit Commission	
H. 855 - By Carothers (As Amended)	114
Tobacco tax stamps, discounts for wholesalers, elim., Sec. 40-25-5 repealed	
H. 646 - By Fuller	77
Medicaid, income tax setoff for debt owed, Sec. 40-18-100 am'd.	
H. 234 - By Fuller (As Substituted)	115
General fund budget, appropriation for ordinary expenses of executive, legislative, and judicial departments	
H. 265 - By Starkey	115
Commission on Aging, Care Assurance System, approp.	
H. 266 - By Kennedy	116
AIDS Task Force of Alabama, Inc., approp.	
H. 267 - By Fuller	116
Beacon House-Jasper, approp.	
H. 268 - By Burke (As Substituted)	117
Council on Child Abuse, approp.	
H. 270 - By Fuller (As Substituted)	117
Coalition Against Domestic Violence, approp.	

**REGULAR SESSION
22nd Day**

2263

H. 271 - By Curry (As Substituted) 118

Elyton Recovery Center, approp.

H. 272 - by Rogers (J) (As Substituted) 118

Alabama Kidney Foundation, Inc., approp.

H. 273 - By Knight (J) (As Substituted) 119

Lighthouse Counseling Center, approp.

H. 274 - By Penry 119

Parkinson Association approp.

H. 275 - By Carothers (As Amended) 120

Retired Senior Volunteer Program, approp.

H. 276 - By Fuller 120

Alabama's Junior Miss Pageant, approp.

H. 277 - By Fuller 120

America's Junior Miss Pageant, approp.

H. 383 - By Fuller (As Substituted) 121

Child Advocacy Centers, Inc., approp.

H. 585 - By Fuller 121

Alabama Travel Council, approp.

H. 874 - By Fuller 122

Tri-Rivers Waterway Development Authority, approp.

H. 875 - By Fuller 122

Sentencing Institute, approp.

H. 876 - By Fuller 123

Warrior-Tombigbee Waterway Development Association,
approp.

H. 877 - By Fuller 123

Coosa-Alabama River Improvement Association, approp.

H. 199 - By McDaniel 58

Aviation fuel tax, cap on collection incr., Sec. 40-17-31 am'd.

H. 535 - By Knight (A) (As Amended) 3

Mandatory garbage collection, imposed in cos. and muns.,
Secs. 22-27-1, 22-27-2, 22-27-3, 22-27-5, 22-27-48 am'd.;
Secs. 22-27-4, 22-27-6, 22-27-7 repealed

H. 621 - By Hawk 73

Juvenile Justice & School Safety Trust Fund, created,
oversight by Juvenile Justice Coordinating Council, approp.
to various child and family programs, St. Bd. of Ed., AOC,
Human Resources, funding by proposed cigarette tax

On motion of Representative Carter, the resolution, H.R. 306, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 771, were temporarily carried over at the request of Representative Thomas (J).

H. 557 TAKEN UP

And the bill:

H. 557. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax.

as amended on the twenty-first legislative day, was read a third time at length and passed, and ordered engrossed.

Yeas 64; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Carothers, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Pringle, Rogers (M), Seibenhener, Smith, Spratt, Starkey, Turner, Turnham, Vance, Warren and Willis.

-64

Nay:

Representatives Gaines and Thomas (D).

- 2

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, H. 828, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaston, Gipson, Guin, Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, McMillan, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Starkey, Turner, Turnham, Vance and Willis.

-60

And the bill:

H. 828. Relating to Morgan County; providing for the county commission to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors, mistakes, or omissions made in good faith, not to exceed a certain maximum per annum; and providing that the funds shall be payable from the county general fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Carter, Clouse, Collins, Dean, Drake, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, McMillan, Millican, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Pringle, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance and Willis.

-60

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, H. 829, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Pringle, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance and Willis.

-61

And the bill:

H. 829. Relating to Morgan County; amending Section 3 of Act No. 380, S. 556, 1976 Regular Session (Acts 1976, p. 480), relating to the membership of the Morgan County Board of Education and filling of vacancies on the board; providing that vacancies occurring during the first 16 months of the term of the member shall be filled by election rather than by appointment of the remaining board members; providing for interim appointments; and providing for the effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Boyd, Carter, Clouse, Collins, Dean, Drake, Dukes, Flowers, Gaston, Gipson, Graham, Guin, Hamilton, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Maull, McAdory, Melton, Millican, Mitchell, Moore, Morton, Murphree, Papucci, Parker (P), Penry, Pringle, Reed, Robinson, Rogers (M), Sims, Smith, Spratt, Turnham, Vance and Willis.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, H. 830, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Buskey, Carter, Clouse, Collins, Dean, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, Maull, McAdory, Melton, Millican, Minnifield, Moore, Morton, Murphree, Papucci, Parker (P), Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Turnham, Vance and Willis.

-54

And the bill:

H. 830. To propose a local constitutional amendment to the Constitution of Alabama of 1901, to provide that the Legislature may, by local law, provide for the manner of filling vacancies on the Morgan County Board of Education.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Moore, Murphree, Newton (C), Papucci, Parker (P), Penry, Pringle, Reed, Robinson, Rogers (M), Sims, Smith, Spratt, Starkey, Turnham, Vance and Willis.

-64

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 831, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Carns, Carter, Clouse, Collins, Dean, Drake, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Penry, Pringle, Reed, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Turner, Turnham, Vance and Willis.

-63

And the bill:

H. 831. Relating to redeeming lands for taxes in Pike County, Alabama.

was taken up.

AMENDMENT OFFERED

Representative Flowers offered the following amendment to the bill, H. 831:

On page 1, line 21, after the word "the" insert the following: tax collector or

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Buskey, Carns, Carter, Clouse, Collins, Dean, Drake, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hawkins, Hill, Hilliard, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Letson, Lindsey, Maull, McAdory, McMillan, Melton, Moore, Morton, Murphree, Newton (D), Papucci, Parker (P), Pringle, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance and Willis.

-53

And the bill:

H. 831. Relating to redeeming lands for taxes in Pike County, Alabama.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Carns, Clouse, Collins, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McMillan, Melton, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Penry, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Turner, Turnham, Vance and Willis.

-58

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 849, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Clouse, Collins, Dean, Drake, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McMillan, Melton, Millican, Morton, Murphree, Newton (C), Papucci, Pringle, Reed, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turnham, Vance and Willis.

-56

And the bill:

H. 849. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Georgiana in Butler County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clouse, Collins, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Hamilton, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Letson, Lindsey, Maull, McAdory, McMillan, Melton, Moore, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Penry, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Turnham, Vance and Willis.

-56

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, S. 28, was adopted.

Yeas 58; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clouse, Collins, Dean, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Pringle, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Turner, Turnham, Vance and Willis.

-58

Nay:

Representative Thomas (D).

- 1

And the bill:

S. 28. Relating to Crenshaw County; amending Sections 1 and 2 of Act No. 775, S. 158, 1975 Regular Session (Acts 1975, p. 1563), as amended by Act No. 81-1106, 1981 Special Session (Acts 1981 Special Session, p. 369), providing for the issuance fee and distribution of the fee for pistol permits issued by the sheriff, to increase the fee and provide further for the distribution of the fee.

was read a third time at length and passed.

Yeas 57; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carothers, Clouse, Collins, Dean, Drake, Dukes, Ford, Gaston, Gipson, Guin, Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Moore, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Penry, Pringle, Rogers (M), Smith, Turner, Turnham, Vance and Willis.

-57

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, S. 404, were temporarily carried over due to absence of sponsor.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 833, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carothers, Clouse, Collins, Dean, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Papucci, Parker (P), Penry, Pringle, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Turnham and Willis.

-60

And the bill:

H. 833. Relating to law enforcement in Houston County; to further amend Sections I and II of Act No. 671, 1967 Regular Session (Acts 1967, p. 1495), relating to the issuance of pistol permits in Houston County, to provide further for permit fees and distribution of the fees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Clouse, Collins, Dean, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Moore, Morton, Murphree, Papucci, Parker (P), Penry, Pringle, Reed, Rogers (M), Sanderson, Sims, Smith, Spratt, Turner, Turnham, Vance and Willis.

-58

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Baker, the Budget Isolation Resolution relating to the bill, H. 870, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carothers, Clouse, Collins, Dean, Drake, Flowers, Galliher, Gaston, Gipson, Guin, Hall (L), Hamilton, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, McAdory, McClammy, McMillan, Moore, Morrison, Morton, Papucci, Parker (P), Penry, Pringle, Rogers (M), Seibenhener, Sims, Smith, Spratt, Turner, Turnham, Vance and Willis.

-53

And the bill:

H. 870. Relating to Houston County, proposing an amendment to the Constitution of Alabama of 1901, authorizing the Legislature to enact legislation providing that the qualified electors of Houston County may vote on candidates for county offices without regard to the political affiliation of the elector.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carothers, Carter, Collins, Dean, Drake, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Letson, Lindsey, Maull, McAdory, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Pringle, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, White and Willis.

-63

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 872, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White, Willis and Wren.

-92

And the bill:

H. 872. To authorize the incorporation of Alabama Incentives Financing Authority; to provide for its governance and to confer upon it certain powers; to grant to the authority the power to issue or guarantee not exceeding \$150,000,000 principal amount bonds for the purpose of financing industrial and research facilities and training facilities and paying management fees referable to any such training facilities; to appropriate to the authority for payment of debt service on debt obligations of the authority and related ongoing financing costs and other obligations of the authority so much as may be necessary of (a) the revenues retained by the state from the in-lieu-of-taxes payments made by The Tennessee Valley Authority and (b) certain proceeds of an excise tax on financial institutions levied by Section 40-16-4 of the Code of Alabama 1975, as amended by H.B. _____ introduced at the 1995 Regular Session of the Legislature of Alabama; to authorize the pledge by the authority of the funds so appropriated and certain other funds available to the authority for payment of its obligations; to provide for the manner of ownership, operation, leasing, and disposition of facilities directly or indirectly financed by the authority; to provide for the manner of issuing and securing its obligations and providing for the incontestability thereof under certain conditions; to grant tax exemptions respecting the bonds of the authority, the interest thereon, and the authority's property and operations and other exemptions; to exempt the authority from the jurisdiction of certain state agencies and from competitive bid laws; and to provide for the dissolution of the authority.

was taken up.

SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the bill, H. 872:

A BILL
TO BE ENTITLED
AN ACT

To authorize the incorporation of Alabama Incentives Financing Authority; to provide for its governance and to confer upon it certain powers; to grant to the authority the power to issue or guarantee not exceeding \$150,000,000 principal amount bonds for the purpose of financing industrial and research facilities and training facilities and paying management fees referable to any such training facilities; to appropriate to the authority for payment of debt service on debt obligations of the authority and related ongoing financing costs and other obligations of the authority so much as may be necessary of the revenues retained by the state from the in-lieu-of-taxes payments made by The Tennessee Valley Authority; to authorize the pledge by the authority of the funds so appropriated and certain other funds available to the authority for payment of its obligations; to provide for the manner of ownership, operation, leasing, and disposition of facilities directly or indirectly financed by the authority; to provide for the manner of issuing and securing its obligations and providing for the incontestability thereof under certain conditions; to grant tax exemptions respecting the bonds of the authority, the interest thereon, and the authority's property and operations and other exemptions; to exempt the authority from the jurisdiction of certain state agencies and from competitive bid laws; and to provide for the dissolution of the authority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares the following: That the State of Alabama, acting in its own name and through various public corporations, has made substantial financial contractual commitments for incentives to industries agreeing to locate or expand their operations in Alabama: that the creation of a state-level agency with power to fund the commitments is desirable and in the public interest; that by the passage of this act it is the intention to provide for the creation of Alabama Incentives Financing Authority with broad powers to meet existing commitments made by the state to industries committing to locate or expand in the state; and that it is necessary and in the public interest that the Authority pledge for payment of its obligations the funds appropriated to the authority in order to enable it to fund existing commitments and to carry out functions that are essential to the public welfare. This act shall be liberally construed in accordance with its remedial purposes.

Section 2. (a) The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

(1) APPROPRIATED FUNDS. Net TVA payments to the extent such payments are pledged and appropriated to the authority pursuant to Section 11.

(2) **APPROVED COMPANY.** Any corporation, partnership, trust, or other form of business entity that has sought designation as an approved company by the State Industrial Development Authority pursuant to Section 41-10-44.4, Code of Alabama 1975, prior to the effective date of this act.

(3) **AUTHORITY.** The public corporation organized pursuant to this act.

(4) **AUTHORITY GUARANTY.** An agreement of the authority pursuant to which the payment of debt service referable to bonds, notes or other evidences of indebtedness of a development agency is guaranteed by the authority.

(5) **AUTHORITY OBLIGATIONS.** Bonds of the authority and authority guaranties.

(6) **AUTHORITY-GUARANTEED OBLIGATIONS.** Bonds, notes, or other evidences of indebtedness of a development agency that are issued solely for the purpose in financing a project and that are guaranteed, in whole or in part, by an authority guaranty.

(7) **BONDS.** Bonds of the authority issued under this act.

(8) **DEBT SERVICE.** The principal of and interest (and premium, if any) on an obligation (including, without limitation, any principal required to be paid prior to its stated maturity) and any ongoing trustee or paying agent fees or fees of providers of credit enhancement or liquidity facilities.

(9) **DEVELOPMENT AGENCY.** A county, municipality, or industrial development authority organized under Chapter 92A of Title 11 of the Code of Alabama 1975, as amended; an industrial development board organized under Article 4, Chapter 54 of Title 11 of the Code of Alabama 1975, as amended, or the State Industrial Development Authority.

(10) **DIRECTORS.** The board of directors of the Alabama Incentives Financing Authority.

(11) **ELIGIBLE INVESTMENTS.** Any investment in which trust funds of either the teachers' retirement system of Alabama or the employees' retirement system of Alabama are authorized to be invested.

(12) **FINANCED PROPERTY.** All property whether real, personal, or mixed, the costs of which were or are to be paid or reimbursed in whole or in part with the proceeds of bonds of the authority or the proceeds of authority-guaranteed obligations.

(13) **FINANCING AGREEMENT.** Any loan, lease, agreement, financing agreement, credit agreement, security agreement, mortgage, indenture, guaranty agreement, or other type of agreement entered into by the authority in connection with the incurring of authority obligations.

(14) HEREIN, HEREBY, HEREUNDER, HEREOF, AND OTHER EQUIVALENT WORDS. Refer to this act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

(15) INDUSTRIAL OR RESEARCH ENTERPRISE. Any trade or business described in 1987 Standard Industrial Classification Major Groups 20 to 39, inclusive, 50 and 51, Industrial Group Number 737, and Industry Numbers 8731, 8733, and 8734, as set forth in the Standard Industrial Classification Manual published by the United States Government Office of Management and Budget, and includes such trades and businesses as may be hereafter reclassified in any subsequent publication of the Standard Industrial Classification Manual.

(16) NET TVA PAYMENTS. With respect to any fiscal year of the state, the in-lieu-of-taxes payments made by The Tennessee Valley Authority to and retained by the state during such fiscal year after distributions made pursuant to Section 40-28-2 of the Code of Alabama and after compliance with the provisions of Section 41-9-783 of the Code of Alabama.

(17) PERSON. Unless limited to a natural person by the context in which it is used, includes a private firm, a private association, a public or private corporation, a municipality, a county, or an agency, department, or instrumentality of the state or of a county or municipality.

(18) PROJECT. Any land, building, or other improvement, and all real and personal properties deemed necessary or useful in connection therewith, whether or not now in existence, that are or are to be located in the state and that have been or are to be acquired, constructed, expanded, or installed for use by an industrial or research enterprise or as a training facility.

(19) PROJECT COSTS. All costs and expenses incurred by the authority or any person in connection with the acquisition, construction, installation, and equipping of a project, including, without limitation any of the following:

a. The costs of acquiring, constructing, installing, and equipping a project, including all obligations incurred for labor and to contractors, subcontractors, builders, and materialmen.

b. The costs of acquiring land or rights in land and any cost incidental thereto, including recording fees.

c. The costs of contract bonds and of insurance of all kinds that may be required or necessary during the acquisition, construction, or installation of a project.

d. The costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations, environmental mitigation, and supervision of construction, as well as for the performance of all the duties required by or consequent upon the acquisition, construction, and installation of a project.

e. The costs associated with installation of fixtures and equipment, surveys, including archeological and environmental surveys, site tests and inspections, subsurface site work, excavation, removal of structures, roadways, cemeteries, and other surface obstructions, filling, grading, and provisions for drainage, storm water retention, installation of utilities, including water, sewer, sewage treatment, gas, electricity, communications, and similar facilities, off-site construction of utility extensions to the boundaries of the property, and paving.

f. Interest accruing with respect to bonds of the authority or authority-guaranteed obligations for a period of up to two years after the issuance of such bonds.

g. All costs, expenses, and fees incurred in connection with the issuance of authority obligations and authority-guaranteed obligations, including, without limitation, all legal, accounting, financial, printing, recording, filing, and other fees and expenses.

h. The costs for obtaining bond insurance, letters of credit, or other forms of credit enhancement or liquidity facilities.

i. Amounts to be deposited in any reserve fund established with respect to such authority obligations or authority-guaranteed obligations.

j. All other costs of a nature comparable to or required in connection with those described.

k. Reimbursement to any person of any of the foregoing costs incurred by the person either for its own account, or for the account of the authority and without regard to when incurred.

(20) STATE INDUSTRIAL DEVELOPMENT AUTHORITY. The public corporation created pursuant to Article 2, Chapter 10 of Title 41 of the Code of Alabama 1975, as amended.

(21) TRAINING FACILITY. Any facility to be used for the purpose of providing vocational, technical, or other training for employees or prospective employees of any industry for the manufacturing, processing, cultivating, or assembling of any agricultural or manufactured product.

(22) TRAINING FACILITY MANAGEMENT FEES. Fees payable to any person as compensation for managing a training facility under a management agreement entered into pursuant to Section 12 of this act.

(b) The definitions set forth in this section shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 3. The Governor, the State Treasurer and the Director of Finance may become a public corporation and public instrumentality of the state with the powers herein provided, by proceeding according to Section 4 hereof.

Section 4. (a) To become the public corporation herein authorized, the Governor, the State Treasurer, and the Director of Finance shall present to the Secretary of State of Alabama an application signed by them which shall set forth all of the following:

(1) The name, official designation, and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office.

(2) The date on which each applicant was inducted into office and the term of office of each applicant.

(3) The name of the proposed public corporation, which shall be "Alabama Incentives Financing Authority."

(4) The location of the principal office of the proposed corporation, which shall be in the City of Montgomery.

(b) The applicants may also include in the application any other matters which are not inconsistent with this act or with any of the other laws of the state. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state to take acknowledgments to deeds. The Secretary of State shall examine the application and, if he or she finds that it substantially complies with the requirements of this section, it shall be filed and recorded in an appropriate book of records in the office of the Secretary of State.

Section 5. When the application has been made, filed, and recorded, the applicants shall constitute a public corporation and public instrumentality of the state under the name set forth in the application and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this act, under the great seal of the state, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any service rendered or work performed in connection with the authority, its incorporation, dissolution or records.

Section 6. The applicants named in the application and their respective successors in office shall constitute the members of the authority. The Governor shall be the president of the authority, the State Treasurer shall be the vice president, and the Director of Finance shall be the secretary. The State Treasurer shall be treasurer of the authority, shall act as custodian of its funds, and shall pay, out of the funds appropriated to the authority and other funds available to the authority, debt service referable to bonds of the authority and any authority-guaranteed obligations and amounts due with respect to any other obligations of the authority incurred pursuant to this act. The members of the authority shall

constitute all the members of the directors of the authority, and any two members of the directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold the office by reason of death, resignation, expiration of the term of office, or for any other reason, then his or her successor in office shall take the place as an officer and member of the directors of the authority. No officer or member of the directors of the authority shall receive any salary in addition to that now authorized by law for any service rendered or for any duty performed in connection with the authority. All proceedings had and done by the directors shall be reduced to writing by the secretary of the authority, shall be signed by at least two members of the authority present at the proceedings, and shall be recorded in a substantially bound book, and filed in the office of the Secretary of State. Copies of the proceedings, when certified by the secretary of the authority, under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. The authority shall have, in addition to all other powers granted to it in this act, all of the following powers:

(1) To have succession by its corporate name until dissolved as herein provided.

(2) To institute and defend legal proceedings in any court of competent jurisdiction and proper venue; provided, however, that the authority may not be sued in any nisi prius court other than the courts of the county in which is located the principal office of the authority, and provided further that the officers, directors, agents, and employees of the authority may not be sued for actions in behalf of the authority in any nisi prius court other than the courts of the county in which is located the principal office of the authority.

(3) To have and to use a corporate seal and to alter the seal at pleasure.

(4) To establish a fiscal year.

(5) To issue and incur authority obligations, whether or not the interest thereon (or, in the case of authority guaranties, on the authority-guaranteed obligations to which such authority guaranties relate) is excluded from gross income for federal income tax purposes, for the purpose of financing project costs and providing for the payment of training facility management fees and to provide for the rights of the purchasers, holders or owners of authority obligations.

(6) To execute and deliver mortgages, security agreements, and trust indentures, and other forms of agreements for the purpose of securing authority obligations, and in connection therewith, to mortgage, pledge, or assign the revenues, receipts, and other property of the authority received, and the financing agreements entered into by the authority in connection with, the financing of projects under this act.

(7) To anticipate by the incurrence of authority obligations the receipt of the revenues appropriated and pledged to the authority and any other revenues available to the authority.

(8) As security for the payment of authority obligations, to pledge the proceeds of the appropriations and pledges herein provided for and any other funds available to the authority.

(9) To arrange for various forms of security or credit enhancement for authority obligations, including letter of credit, guaranties, policies of insurance, surety bonds, and the like.

(10) To collect such fees and charges in connection with authority obligations and financing agreements, including, but not limited to, reimbursement of costs of financing, as the authority shall determine to be reasonable.

(11) To accept gifts, grants, loans, appropriations, and other forms of aid from the federal government, the state or any state agency, or any political subdivision of the state, or any person or corporation, foundation, or legal entity, and to agree to and comply with any conditions attached to federal and state financial assistance not inconsistent with this act.

(12) To establish accounts in one or more depositories.

(13) To appoint, employ, contract with, and provide for the compensation of such employees and agents, including engineers, attorneys, contractors, consultants, accountants, fiscal advisors, trustees, paying agents, investment bankers, and underwriters as the directors deem necessary or desirable for the conduct of the business of the authority.

(14) To make, enter into, and execute financing agreements and such other contracts, agreements, or other instruments, and to take such other actions as may be necessary or convenient to accomplish any purpose for which the authority was organized or to exercise any power granted to it.

(15) To exercise any power granted by the laws of the state to public or private corporations which is not in conflict with the public purpose of this act.

(16) To adopt and promulgate administrative regulations necessary or appropriate to effectuate its purposes and to administer the programs authorized herein.

Section 8. (a) The authority is authorized from time to time to sell and issue its bonds for the purpose of financing project costs pertaining to one or more projects or for the purpose of providing funds to pay training facility management fees, or any combination of the foregoing including, without limitation, in the case of authority obligations issued for the purpose of providing funds to pay training facility management fees, costs, expenses, and other items of the type described

in paragraphs g., h., i. and j. of the definition of Project Costs in Section 2 of this act or to enter into guaranty agreements wherein the authority guarantees payment, in whole or in part, of debt service referable to obligations issued by development agencies for the purpose of financing project costs pertaining to one or more projects; provided, however, that the principal amount of authority obligations shall not exceed one hundred fifty million dollars (\$150,000,000). For purposes of determining compliance with this section, (i) the principal amount of authority guaranties outstanding shall be determined on the basis of the outstanding principal of the authority-guaranteed obligations to which such authority guaranties relate, (ii) bonds of the authority (or, in the case of authority guaranties, the authority-guaranteed obligations to which such authority guaranties relate), the payment of debt service referable to which at and prior to their respective stated maturities is fully provided for by an irrevocable escrow consisting solely of cash and direct obligations of the United States, shall not be deemed to be outstanding, and (iii) in the case of bonds of the authority or authority-guaranteed obligations with respect to which interest is not payable on a current basis (generally referred to as "capital appreciation bonds"), the principal amount outstanding shall be computed on the basis of their original principal amount and not on the basis of their accreted value. The authorization granted in the first sentence of this section shall include, but shall not be limited to, (1) the power to issue authority obligations related to financing project costs with respect to projects that are under construction on the date of issuance of such obligations and (2) the power to fund training facility management fees in advance of their incurrence and for such period as the directors deem appropriate based upon estimates furnished to the authority.

(b) The bonds of the authority shall be signed by its president and attested by its secretary and the seal of the authority shall be affixed. A facsimile of the signature of one or both of the officers may be printed or otherwise reproduced on any such bonds in lieu of being manually subscribed thereon and a facsimile of the seal of the authority may be printed or otherwise reproduced on any of the bonds in lieu of being manually affixed thereto. Any bonds of the authority may be executed and delivered by it at any time and from time to time, and shall be in the form and denominations and of such tenor and maturities, shall bear such rate or rates of interest, shall be payable at such times and evidenced in such manner, may be made subject to redemption at the option of the authority at such times and after such notice and on such conditions and at such redemption price or prices, and may contain such other provisions not inconsistent herewith, all as may be provided by the resolution of the directors of the authority under which the bonds are authorized to be issued. Bonds of the authority may be sold at public or private sale from time to time as the directors may consider advantageous.

(c) Subject to the provisions and limitations contained in this act, the authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the authority or authority-guaranteed obligations then outstanding. The authority may pay out of the proceeds of the sale of refunding bonds such fees and the expenses of issuance which the said directors may deem necessary and advantageous in connection with the issuance of the refunding bonds; provided, however, that no refunding

bonds shall be issued unless the present value of all debt service on the refunding bonds (computed with a discount rate equal to the true interest rate of the refunding bonds and taking into account all underwriting discount and other issuance expenses) shall not be greater than 95% of the present value of all debt service on the bonds to be refunded (computed using the same discount rate and taking into account the underwriting discount and other issuance expenses originally applicable to such bonds) determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as a scheduled maturity) provided at the time of their issuance. Provided further that the average maturity of such refunding bonds, as measured from the date of issuance of such refunding bonds, shall not exceed by more than three years the average maturity of the bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by the aggregate principal amount of bonds for which the average maturity is to be determined.

(d) Authority obligations shall not be general obligations of the authority but shall be payable solely from one or more of the following sources: (1) appropriated funds; (2) the revenues and receipts of the authority derived from any financing agreement entered into by the authority with respect to the project or projects financed by such authority obligations; (3) the income or proceeds realized by the authority under any mortgage or other security granted to the authority; (4) amounts derived from any letter of credit, insurance policy or other form of credit enhancement applicable to the authority obligations; (5) any reserve or other fund established for such purpose by the authority; (6) any earnings on the proceeds of authority obligations invested by the authority pending their disbursement; and (7) any other amounts that may hereafter be appropriated to the authority. As security for the payment of the debt service referable to bonds issued by it and of its obligations under authority guaranties, the authority is authorized and empowered to pledge for payment of such debt service and such obligations appropriated funds and other moneys and funds from which such authority obligations are made payable. All such pledges of appropriated funds made by the authority shall be on a parity, it being the intention hereof that all authority obligations secured by a pledge of appropriated funds shall be equally and ratably so secured without regard to time of issuance. All contracts made and all authority obligations issued or incurred by the authority pursuant to this act shall be solely and exclusively obligations of the authority and shall not constitute or create an obligation or debt of the state. Bonds issued by the authority shall be construed to be negotiable instruments, although payable solely from a specified source, as provided herein. The proceedings of the directors under which any authority obligations are authorized to be issued and any such mortgage and deed of trust or trust indenture may contain any agreements and provisions respecting the collection and disposition of appropriated funds, revenues, and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance of special funds from such appropriated funds, revenues, and receipts, the rights,

duties, and remedies of the parties to any such instrument and the parties for the benefit of whom the instrument is made and the rights and remedies available in the event of default, all as the directors shall deem advisable. Any pledge made with respect to authority obligations shall be valid and binding from the time such pledge is made; the appropriated funds, revenues, receipts, funds, and other property so pledged shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of pledge shall be valid and binding as against all parties having claims of any kind against the authority irrespective of whether the parties have notice thereof. Neither the proceedings of the directors authorizing the authority obligations nor any other instrument by which a pledge is created need be recorded. Each pledge, agreement, mortgage, and deed of trust or trust indenture made for the benefit or security of any of the authority obligations of the authority shall continue effective until the authority obligations have been fully paid or satisfied.

(e) Any bonds of the authority and any authority guaranteed obligations may be used by the holder as security for any funds belonging to the state, or to any political subdivision, instrumentality, or agency of the state, in any instance where security for the deposits may be required by law. Unless otherwise directed by the court having jurisdiction, or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in bonds of the authority and authority-guaranteed obligations. Neither a public hearing nor consent of the Department of Finance or any other department or agency shall be a prerequisite to the issuance of bonds by the authority. Bonds of the authority and authority-guaranteed obligations shall be legal investments for funds of the Teachers' Retirement System of Alabama, the Employees Retirement System of Alabama, and the State Insurance Fund.

Section 9. The authority is authorized and empowered to apply the proceeds of any bonds of the authority, together with any other available funds, (i) for the purposes for which the bonds were issued; (ii) to fund the reserves as the authority deems necessary and desirable; and (iii) to the extent not needed for the foregoing uses, to pay or redeem the authority obligations. Pending the application of the proceeds of bonds of the authority to the purpose or purposes for which the bonds were issued, the proceeds and any moneys held in special funds created as security for the bonds may be invested by the authority in eligible investments, as the directors deem advisable. Any and all revenues, receipts, investment earnings, and other funds paid to, or otherwise coming into the possession of, the authority as a result of financings accomplished from the proceeds of bonds of the authority, shall be held, deposited, administered, invested, and applied as provided in the resolution of the directors authorizing the issuance of the authority obligations and as provided in any trust indenture or other agreement delivered in connection therewith, or otherwise as the authority may direct, consistent with the resolution, trust indenture, or other agreement and this act.

Section 10. In addition to the power to finance training facility management fees through the issuance of bonds of the authority, the authority may, subject to this act, pay or reimburse such fees from any funds available to it, including, without limitation, appropriated funds.

Section 11. (a) For the purpose of providing funds to enable the authority to pay debt service referable to any bonds issued by it, amounts due on any authority guaranties entered into by it under this act and other obligations incurred by the authority pursuant to this act, there is irrevocably pledged to such purpose and is appropriated to the authority so much as may be necessary of the appropriated funds; provided, however, that if the authority has not, prior to September 30, 1996, incurred any authority obligations, the continuing appropriation herein made for all fiscal years of the state commencing subsequent to that date shall terminate and all cash and securities on deposit in the special account provided for in this section shall be promptly transferred by the State Treasurer to the general fund of the state. All moneys hereby appropriated and pledged shall be deposited in a special fund maintained by the State Treasurer separate and apart from all other funds under his or her supervision, and the State Treasurer is hereby directed to cause moneys in the special fund to be disbursed solely for the following purposes:

(1) Prior to dissolution of the authority, moneys on deposit in the special fund shall be disbursed by the State Treasurer in payment of debt service referable to authority obligations and in payment of other obligations of the authority incurred pursuant to this act; provided, however, that if directed so to do by a resolution of the directors, the State Treasurer shall transfer from the special fund to the general fund of the state moneys and securities the directors determine are not needed to meet obligations of the authority.

(2) Promptly upon dissolution of the authority, the State Treasurer shall transfer all cash and securities on deposit in the special fund to the general fund of the state.

(b) Pending disbursement for the above purposes, moneys on deposit in the special fund shall be invested in eligible investments as specified by the directors.

Section 12. (a) No authority obligations shall be incurred with respect to any project and no funds of the authority shall be applied to payment of training facility management fees pursuant to Section 11 of this act unless the following conditions are met:

(1) Subject to subdivisions (3), (4), and (5) of this section, in the case of any project financed in whole or in part through the issuance of bonds of the authority, title to the financed property shall be acquired in the name of, or transferred promptly after acquisition to, the authority and the title shall remain in the authority.

(2) Subject to subdivisions (3), (4), and (5) of this section, in the case of any project financed in whole or in part through the issuance of authority-guaranteed

obligations, title to the financed property shall be acquired in the name of, or transferred promptly after acquisition to, the development agency issuing such authority-guaranteed obligations and the title shall remain in the development agency.

(3) In the case of any project constituting an industrial or research facility and financed in whole or in part through the issuance of bonds of the authority or authority-guaranteed obligations, the financed property may be leased to an approved company under an agreement containing such provisions as the authority may require, including without limitation, provisions for the payment of nominal rental by the lessee; provided, however, that the agreement shall not grant to the lessee any option to purchase the financed property at a price, determined as of the date of the exercise of such option, less than the fair market value of the financed property, and any option to purchase the financed property granted to the lessee or any other person in the agreement or by separate instrument, whenever granted, at less than the fair market value, shall be void and of no effect.

(4) In the case of any project constituting an industrial or research facility and financed in whole or in part through the issuance of bonds of the authority or authority-guaranteed obligations, the financed property may be acquired and held in the name of any person under an agreement containing the following provisions:

a. The title to the financed property shall not be conveyed to any person other than the authority and shall, except as hereinafter provided, be conveyed to the authority free and clear of all liens and encumbrances and without the payment of consideration by the authority within 60 days after the date on which operation of the project by the approved company ceases.

b. In lieu of such conveyance of title to the authority, the approved company may at its option pay the authority the fair market value of the financed property as of the date of cessation of operations and retain title to the financed property.

c. The obligations of the approved company to the authority not to convey title to the financed property to any person other than the authority and to convey the financed property to the authority in accordance with the preceding paragraph a. shall be secured by the grant of a security interest in the financed property acceptable to the authority.

(5) In the case of the issuance of bonds of the authority to provide funds for payment of project costs referable to a training center or training facility management fees or in the case of direct funding of training facility management fees pursuant to the provisions of Section 10 of this act without the issuance of bonds of the authority, the authority shall enter into an agreement with any person to provide for operation and management of a training facility by the person and to prescribe the terms and conditions upon which training facility management fees are to be paid or reimbursed by the authority from the proceeds of the bonds and, if the authority deems it to be appropriate, granting to the person an option to

purchase such training facility at a price, determined as of the date of exercise of such option, equal to the fair market value of such training facility as of the date of exercise of such option, and any option to purchase such training facility granted to any person in such agreement or by separate instrument at less than such fair market value shall be void and of no effect.

(b) For purposes of this section, a cessation of operation of a project permanent in nature shall not be deemed to have occurred if occasioned by strikes; riots; unavailability of raw materials, supplies, or utilities; or acts of God or the public enemy. Any lease agreement, operation and management agreement, or other agreement provided for in subdivisions (3), (4), or (5) of this section shall be entered into prior to or contemporaneously with the issuance of the bonds or authority guaranty to which it relates or, in the case of the funding of training facility management fees without the issuance of bonds, prior to the expenditure of any funds of the authority and shall provide that it is not subject to amendment, termination, or assignment without the prior consent of the authority. Nothing in this act shall be construed to prohibit the ownership by any person of, or the granting to any person of, a purchase option at a nominal price, any part of a project not financed, directly or indirectly, by authority obligations.

Section 13. Upon the adoption by the directors of any resolution providing for the issuance of authority obligations, the authority may, in its discretion, cause to be published once a week for two consecutive weeks, in newspapers published or having a general circulation in the cities of Birmingham, Montgomery, Huntsville, and Mobile, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the president or the secretary of the authority:

"Alabama Incentives Financing Authority, a public corporation under the laws of the State of Alabama, on the _____ day of _____, authorized the issuance of \$_____ principal amount of bonds (a guaranty agreement securing \$_____ principal amount of bonds of _____) for purposes authorized in (citation to this Act). The proceeds from the sale of the bonds are proposed to be used to finance the acquisition, construction, and installation of facilities to be located at _____ (to provide funds for payment of management fees associated with a training facility located at _____). Any action or proceeding questioning the validity of the bonds (guaranty agreement), the security thereof, the use of the proceeds thereof (the obligations so guaranteed) or the proceedings authorizing the bonds, shall be commenced within 30 days after the first publication of this notice."

Any action or proceeding in any court to set aside or question the proceedings for the incurrence of the authority obligations referred to in the notice or to contest the validity of any authority obligations, or the validity of security therefor, or the validity of the proposed use of the proceeds thereof or (in the case of an authority guaranty) the proceeds (of the obligations so guaranteed), must be commenced within 30 days after the first publication of the notice. After the

expiration of the period, no right of action or defense questioning or attacking any of the foregoing shall be asserted, nor shall the validity of the said proceedings, authority obligations, security or use of proceeds be open to question in any court on any ground whatsoever except in an action commenced within the period.

Section 14. The income and property of the authority, all authority obligations and the interest paid on any such authority obligations, all conveyances by or to the authority, and all instruments by or to the authority shall be exempt from all taxation in the state. The authority shall also be exempt from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the authority may engage. The authority shall not be obligated to pay or allow any fees, taxes, or costs in the recording of any document to the judge of probate of any county.

Section 15. Except as may be expressly provided in this act, no proceeding, notice, or approval shall be required for the issuance of any authority obligations, the execution of any mortgage and deed of trust, trust indenture, or other document, or the exercise of any other of the powers of the authority. Neither a public hearing nor the consent of the Department of Finance shall be prerequisite to the issuance of authority obligations by the authority.

Section 16. Articles 2 and 3 of Chapter 16 of Title 41, Code of Alabama 1975, or other similar laws, shall not apply to the authority, its directors, or any of its officers, agents, or employees in their capacities as such.

Section 17. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. At any time when no authority obligations are outstanding and the authority has no outstanding obligation with respect to payment of training facility management fees, the authority may be dissolved upon the filing with the Secretary of State of an application for dissolution, which shall be subscribed by each of the directors of the authority and sworn to by each director before an officer authorized to take acknowledgments to deeds. Upon the filing of the application for dissolution, the authority shall cease to exist. The Secretary of State shall file and record the application for dissolution in an appropriate book of record in his or her office, and shall make and issue, under the great seal of the state, a certificate that the authority is dissolved, and shall record the certificate with the application for dissolution. Title to all property held in the name of the authority shall be vested in the state upon dissolution of the authority.

Section 19. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 92; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Wren.

-92

Nay:

Representatives Dolbare and Mitchell.

- 2

AMENDMENT OFFERED

Representative Sanderson offered the following amendment to the bill, H. 872, as amended:

Amend H. 872 as substituted on page 15, Section 8 (a), line 14 by adding after the words "its bonds" the following: "on a negotiated basis if the bonds are sold to the Retirement System of Alabama and/or the State Insurance Fund or, if sold to any other purchaser, at competitive public sale to the bidder offering to pay the highest total price which in turn would produce the lowest net interest cost to the authority,"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 99; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

-99

And the bill:

H. 872. To authorize the incorporation of Alabama Incentives Financing Authority; to provide for its governance and to confer upon it certain powers; to grant to the authority the power to issue or guarantee not exceeding \$150,000,000 principal amount bonds for the purpose of financing industrial and research facilities and training facilities and paying management fees referable to any such training facilities; to appropriate to the authority for payment of debt service on debt obligations of the authority and related ongoing financing costs and other obligations of the authority so much as may be necessary of the revenues retained by the state from the in-lieu-of-taxes payments made by The Tennessee Valley Authority; to authorize the pledge by the authority of the funds so appropriated and certain other funds available to the authority for payment of its obligations; to provide for the manner of ownership, operation, leasing, and disposition of facilities directly or indirectly financed by the authority; to provide for the manner of issuing and securing its obligations and providing for the incontestability thereof under certain conditions; to grant tax exemptions respecting the bonds of the authority, the interest thereon, and the authority's property and operations and other exemptions; to exempt the authority from the jurisdiction of certain state agencies and from competitive bid laws; and to provide for the dissolution of the authority.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 96; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin,

Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

-96

Nay:

Representatives Dolbare, Hall (A) and Payne.

- 3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 94. To amend Section 17-1-7, Code of Alabama 1975, to provide that public employees, including law enforcement officers, firefighters, and peace officers, may engage in or refrain from participating in political activity.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 592. To amend Sections 34-27A-3, 34-27A-5, 34-27A-9, 34-27A-10, and 34-27A-11 of the Code of Alabama 1975, relating to the licensing and classes of real estate appraisers; to provide for the State Registered Real Property Appraiser Classification; and to exempt real estate appraisers previously licensed pursuant to Section 34-27A-7 of the Code of Alabama 1975, from taking a written examination for licensure reclassification to the "Registered Real Property Appraiser" classification.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 373. To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Allen, the Budget Isolation Resolution relating to the bill, H. 871, was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McCiammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderford, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

Nay:

Representative Mitchell.

- 1

And the bill:

H. 871. To pledge and appropriate such amounts as may be necessary to pay and to redeem prior to their respective maturities the principal of and the interest on any issue of bonds and refunding bonds of the Alabama Incentives Finance Authority from the revenues retained by the state of Alabama from the in-lieu-of-taxes payments made by the Tennessee Valley Authority following the distribution of a portion of such payments to certain counties in the State of Alabama as provided in Section 40-28-2 of the Code of Alabama 1975, and the pledge and appropriation of TVA payments pursuant to Section 41-9-783 of the Code of Alabama 1975, for the Tennessee Valley Exhibit Commission Bonds outstanding on the effective date of this Act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 99; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-99

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Representative Hall (L) offered the motion to reconsider the vote by which the bill, H. 870, was passed, and on motion of Representative Carothers, the motion offered by Representative Hall (L) to reconsider was tabled.

Yeas 32; Nays 20.

Yea:

Representatives Baker, Burke, Carothers, Carter, Dean, Dolbare, Ford, Galliher, Guin, Hall (A), Hammett, Hayden, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Laird, Letson, Lindsey, Millican, Moore, Papucci, Payne, Robinson, Sims, Smith, Turner, Turnham, Vance, Venable and Willis.

-32

Nay:

Representatives Bandy, Black (L), Boyd, Buskey, Hall (L), Holmes, Houston, Kennedy, Knight (J), Maull, McAdory, McClammy, Minnifield, Mitchell, Newton (D), Parker (P), Perdue, Rogers (J), Spratt and Thomas (J).

-20

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Carothers to adopt the Budget Isolation Resolution relating to the bill, H. 855, was lost, lacking a three-fifths vote.

Yeas 51; Nays 38.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Burke, Carothers, Carter, Clouse, Dolbare, Drake, Ford, Fuller, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Kennedy, Knight (J), Laird, Layson, Lindsey, McClammy, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Starkey, Turner and Venable.

-51

Nay:

Representatives Bandy, Black (M), Box, Boyd, Buskey, Carns, Curry, Dukes, Gaines, Hall (L), Haney, Hawk, Houston, Jorgensen, Knight (A), Maull,

McAdory, McDaniel, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Page, Papucci, Payne, Petelos, Sanderford, Sims, Thomas (D), Thomas (J), Townsend, Turnham, Warren, White, Willis and Wren.

-38

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 646, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-84

And the bill:

H. 646. To amend Section 40-18-100 of the Code of Alabama 1975, relating to the setoff of the debts against state income tax refunds; to include the Alabama Medicaid Agency in the statutory definition of "Claimant Agency"; to grant authority to the Commissioner of Medicaid to provide for the offset of refunds to satisfy debts owed the agency by Medicaid debtors.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett,

Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-85

Nay:

Representative Dolbare.

- 1

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 468. To amend Chapter 13 of Title 16 of the Code of Alabama 1975 and related provisions of the Code of Alabama 1975 to implement a foundation program for the annual funding of the public schools of the state to the extent necessary to provide educational opportunities according to the Constitution of Alabama for all students in every local school district; to amend Sections 16-1-18, 16-4-5, 16-8-26, 16-8-26.1, 16-13-7, 16-13-10, 16-13-11, 16-13-12, 16-13-13, 16-13-31, 16-13-32, 16-13-36, 16-13-37, 16-13-73, 16-13-76, 16-13-91, 16-13-121, 16-13-144, 16-13-145, 16-35-2, 16-36-3, 16-36-5, 16-36-6, 16-36-10, 16-36-12, 16-36-13, 16-36-15, 16-36-16, 16-36-17, 16-36-18, 16-36-23, 16-36-24, 16-36-25, 16-36-31, 16-36-32, 16-36-35, 16-36-36, 16-36-39, 16-39-10, 16-39-11, 25-4-150, and 40-12-4 of the Code of Alabama 1975; and to repeal Sections 16-1-1.1, 16-1-15.1, 16-1-29, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.1, 16-3-18.4, 16-3-18.5, 16-3-36, 16-6A-17, 16-13-3, 16-13-15, 16-13-30, 16-13-34, 16-13-35, 16-13-38, 16-13-39, 16-13-40, 16-13-50, 16-13-51, 16-13-52, 16-13-52.1, 16-13-53, 16-13-54, 16-13-55, 16-13-56, 16-13-57, 16-13-58, 16-13-59, 16-13-60, 16-13-61, 16-13-62, 16-13-63, 16-13-64, 16-13-65, 16-14-1, 16-14-2, 16-14-3, 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-14, 16-14-15, 16-14-16, 16-14-17, 16-14-18, 16-14-19, 16-23-13.1, 16-23-17, 16-26-4, 16-36-33, 16-39-7, and 21-1-20 of the Code of Alabama 1975.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 94. To amend Section 17-1-7, Code of Alabama 1975, to provide that public employees, including law enforcement officers, firefighters, and peace officers, may engage in or refrain from participating in political activity.

Also:

H. 373. To amend Sections 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; and to repeal Section 27-40-16, Code of Alabama 1975, which prohibits payments of rebates or inducements by premium finance companies for financing any insurance contract.

Also:

H. 592. To amend Sections 34-27A-3, 34-27A-5, 34-27A-9, 34-27A-10, and 34-27A-11 of the Code of Alabama 1975, relating to the licensing and classes of real estate appraisers; to provide for the State Registered Real Property Appraiser Classification; and to exempt real estate appraisers previously licensed pursuant to Section 34-27A-7 of the Code of Alabama 1975, from taking a written examination for licensure reclassification to the "Registered Real Property Appraiser" classification.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 831. Relating to redeeming lands for taxes in Pike County, Alabama.

TOMMY CARTER
Chairman

And the bill, H. 831, as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 557. Relating to Shelby County; amending Act No. 81-461, H. 933, 1981 Regular Session, to provide further for the collection of the existing sales and use tax.

TOMMY CARTER
Chairman

And the bill, H. 557, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

And the bill:

H. 234. (With Substitute): To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the committee substitute to the bill, H. 234:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1995-96 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the herein named funds be appropriated in the amounts specified to the named agencies; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries and shall be expended only for such purposes.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.

(e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1996, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included
In Appropriation Total

<u>General</u> <u>Fund</u>	<u>Earmarked</u> <u>Funds</u>	<u>Appropriation</u> <u>Total</u>
-------------------------------	----------------------------------	--------------------------------------

2A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC
ACCOUNTS, DEPARTMENT OF:

(a) Legislative Support-Audit Services
Program.....

11,189,549

SOURCE OF FUNDS:

**REGULAR SESSION
22nd Day**

2301

(1) State General Fund.....	10,689,549		
(2) Federal Funds.....		500,000	
Total Department of Examiners of Public Accounts.....	10,689,549	500,000	11,189,549

2. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program.....			359,395
---	--	--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	359,395		
Total Alabama Law Institute.....	359,395		359,395

3. LEGISLATIVE COUNCIL:

(a) Legislative Operations and Support Program.....			288,347
(b) National Black Caucus of State Legislatures National Conference to be held in Birmingham.....			75,000

SOURCE OF FUNDS:

(1) State General Fund.....	363,347		
Pursuant to Sections 29-6-1 et seq., Code of Alabama 1975.			
Total Legislative Council.....	363,347		363,347

4. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support Program.....			1,275,479
--	--	--	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	1,275,479		
Total Legislative Fiscal Office.....	1,275,479		1,275,479

5. LEGISLATIVE REFERENCE
SERVICE:

(a) Legislative Operations and Support Program.....	1,898,560
--	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,898,560</u>	
Total Legislative Reference Service.....	<u>1,898,560</u>	<u>1,898,560</u>

6. LEGISLATURE:

(a) Legislative Operations and Support Program.....	12,023,099
--	------------

It is the intent of the Legislature that (1) at least \$30,000 shall be allocated for the Senate Finance and Taxation Committee, \$30,000 shall be allocated for the Office of the Senate Pro Tempore and \$30,000 shall be allocated for the Senate Rules Committee, (2) at least \$90,000 shall be allocated for the Ways and Means Committee, the House Rules Committee and the Office of the Speaker of the House, and (3) \$7,000 shall be allocated to the permanent municipal government committee as required by Sections 29-2-60 through 29-2-62, Code of Alabama 1975. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

(b) Capital Outlay Program.....	1,275,000
---------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	<u>13,298,099</u>	
Total Legislature.....	<u>13,298,099</u>	<u>13,298,099</u>

2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program..... 2,355,008

SOURCE OF FUNDS:

(1) State General Fund..... 2,355,008

Total Court of Civil Appeals..... 2,355,008 2,355,008

2. COURT OF CRIMINAL APPEALS:

(a) Court Operations Program..... 2,499,923

SOURCE OF FUNDS:

(1) State General Fund..... 2,499,923

Total Court of Criminal Appeals..... 2,499,923 2,499,923

3. JUDICIAL INQUIRY COMMISSION:

(a) Administrative Services Program.... 125,828

SOURCE OF FUNDS:

(1) State General Fund..... 125,828

Total Judicial Inquiry Commission..... 125,828 125,828

4. JUDICIAL RETIREMENT FUND:

(a) Retirement Systems Program..... 1,887,000

SOURCE OF FUNDS:

(1) State General Fund..... 1,887,000

Total Judicial Retirement Fund..... 1,887,000 1,887,000

5. SUPREME COURT:

(a) Court Operations Program..... 5,414,809

SOURCE OF FUNDS:

(1) State General Fund.....	<u>5,414,809</u>	
Total Supreme Court.....	<u>5,414,809</u>	<u>5,414,809</u>

6. SUPREME COURT LIBRARY:

(a) Court Operations - Library Service Program.....		932,704
--	--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	<u>932,704</u>	
Total Supreme Court Library.....	<u>932,704</u>	<u>932,704</u>

7. UNIFIED JUDICIAL SYSTEM:

(Administrative Office of Courts)

(a) Court Operations Program.....		81,979,501
(b) Administrative Services Program....		3,486,895
(c) DUI Referral Program.....		65,092
(d) Fringe Benefit Program, Estimated		545,000
(e) Court Equipment and Court Security Program.....		921,704
(f) Judicial Building Operations Program.....		4,146,782

SOURCE OF FUNDS:

(1) State General Fund.....	88,025,923	
(2) State General Fund-Social Security-County Judicial, Estimated	545,000	
(3) State General Fund Transfer-Juvenile Justice Coordinating Council.....	15,395	

In accordance with Section 12-15-131,
Code of Alabama 1975.

(4) Court Referral Officer Fund..... 1,850,872

In accordance with Sections 12-23-1
through 12-23-19, Code of
Alabama 1975.

(5) Juvenile Justice Coordinating
Council Fund..... 7,784

(6) Court Automation Fund..... 700,000

In accordance with Section 12-19-180,
Code of Alabama 1975.

Total Unified Judicial System..... 88,586,318 2,558,656 91,144,974

2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management
Program..... 1,870

SOURCE OF FUNDS:

(1) State General Fund..... 1,870

As provided in Section 41-11-6, Code
of Alabama 1975, and an additional
amount.

Total Alabama Academy of Honor..... 1,870 1,870

2. ACCOUNTANCY, ALABAMA
STATE BOARD OF PUBLIC:

(a) Professional and Occupational
Licensing and Regulation
Program..... 693,972

SOURCE OF FUNDS:

(1) Alabama State Board of Public
Accountancy Fund..... 693,972

As provided in Section 34-1-22, Code
of Alabama 1975. In addition to the
amounts appropriated hereinabove

to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy.....	693,972	693,972
--	---------	---------

3. ADJUSTMENT, BOARD OF:

(a) Special Services Program.....	741,420
-----------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	729,620
--	---------

For expenditures as provided in Sections 31-3-2 and 36-30-2, Code of Alabama 1975.

(2) State General Fund-Administrative Costs.....	11,800
--	--------

As provided by Section 41-9-73, Code of Alabama 1975.

Total Board of Adjustment.....	741,420	741,420
--------------------------------	---------	---------

4. AERONAUTICS, DEPARTMENT OF:

(a) Aeronautical Administration Program.....	497,462
--	---------

(b) Airport Improvement Program, Estimated.....	553,816
---	---------

To be used only as grants awarded by the Alabama Aeronautics' Commission for the general promotion, advancement, education and safety of aeronautics and for the improvement of airports or other aeronautical facilities in the State of Alabama.

(c) Civil Air Patrol Program..... 75,000

SOURCE OF FUNDS:

(1) State General Fund-Civil Air Patrol
Program..... 75,000

(2) Airports Development
Fund-Aviation Fuel Tax..... 1,026,278

As provided by Section 4-2-42, Code
of Alabama 1975.

(3) Airports Development
Fund-Federal Funds..... 25,000

Total Department of Aeronautics..... 75,000 1,051,278 1,126,278

5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the
Elderly Program..... 18,253,526

(b) Economic Assistance Program..... 12,313,877

SOURCE OF FUNDS:

(1) State General Fund..... 1,665,263

(2) State General Fund-Medicaid
Waiver..... 2,606,673

(3) Federal and Local Funds..... 26,295,467

Total Commission on Aging..... 4,271,936 26,295,467 30,567,403

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program - Home and Community-Based Waiver for the Elderly and Disabled." The

Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.

6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:

(a) Water Resource Development Program.....	1,827,326
---	-----------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,777,326
--------------------------------------	-----------

(2) Alabama Agricultural and Conservation Development Commission Revolving Fund.....	50,000
--	--------

As provided in Section 9-8A-4.1, Code of Alabama 1975.

Total Agricultural and Conservation Development Commission.....	1,777,326	50,000	1,827,326
---	-----------	--------	-----------

7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:

(a) Agricultural Development Services Program.....	35,050
--	--------

SOURCE OF FUNDS:

(1) State General Fund.....	35,050
-----------------------------	--------

Total Alabama Agricultural and Industrial Exhibit Commission.....	35,050	35,050
---	--------	--------

8. AGRICULTURAL CENTER
BOARD:

(a) Agricultural Development Services Program.....	979,201
--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	124,963
-----------------------------	---------

For expense and awarding of prizes
for fairs as provided in Section
2-7-21, Code of Alabama 1975 and
other livestock shows and exhibits
and other activities.

(2) State General Fund-Operations.....	291,873
--	---------

(3) State General Fund-Livestock Coliseum.....	177,365
---	---------

(4) Livestock Coliseum Fund.....	385,000
----------------------------------	---------

Total Agricultural Center Board.....	594,201	385,000	979,201
--------------------------------------	---------	---------	---------

9. AGRICULTURE AND INDUSTRIES,
DEPARTMENT OF:

(a) Administrative Services Program....	2,562,458
---	-----------

(b) Agricultural Inspection Services Program.....	13,605,951
--	------------

Of the above appropriation,
\$2,720,000 shall be allocated to the
Boll Weevil Eradication Program.

(c) Laboratory Analysis and Disease Control Program.....	5,009,421
---	-----------

(d) Agricultural Development Services Program.....	1,614,061
---	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	9,579,650
-----------------------------	-----------

(2) Federal and Local Funds.....	2,421,586
----------------------------------	-----------

(3) Shipping Point Inspection Fund.....	4,990,241
---	-----------

Pursuant to Sections 2-9-20 et seq.,
Code of Alabama 1975.

(4) Egg Inspection Fund.....	70,000
------------------------------	--------

(5) Agricultural Fund.....	5,730,414
----------------------------	-----------

Total Department of Agriculture and Industries.....	9,579,650	13,212,241	22,791,891
---	-----------	------------	------------

10. AGRICULTURAL MUSEUM BOARD, ALABAMA:

(a) Agricultural Promotional Program...	85,000
---	--------

SOURCE OF FUNDS:

(1) State General Fund.....	85,000
-----------------------------	--------

Total Alabama Agricultural Museum Board.....	85,000	85,000
--	--------	--------

11. ALABAMA TRUST FUND BOARD:

(a) Administrative Program.....	25,156
---------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund.....	25,156
-----------------------------	--------

Total Alabama Trust Fund Board.....	25,156	25,156
-------------------------------------	--------	--------

12. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:

(a) Product Management Program.....	31,000,000
-------------------------------------	------------

(b) Enforcement Program.....	8,000,000
------------------------------	-----------

(c) Administrative Services Program....	4,000,000
---	-----------

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State General Fund of \$6,000,000. The above transfer shall be made from the operating funds of the Alcoholic Beverage Control Board and shall

not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund.....	43,000,000
-------------------------	------------

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed

beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board.....	43,000,000	43,000,000
---	------------	------------

13. ARCHITECTS, BOARD FOR REGISTRATION OF:

(a) Professional and Occupational Licensing and Regulation Program.....	252,500
---	---------

SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects.....	252,500
---	---------

As provided in Section 34-2-41, Code of Alabama 1975.

Total Board for Registration of Architects.....	252,500	252,500
---	---------	---------

14. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Resources Management Program.....	2,718,551
--	-----------

Of the above appropriation, at least \$200,000 shall be expended for the Records Retention Program.

SOURCE OF FUNDS:

(1) State General Fund.....	2,606,086
(2) Federal and Local Funds.....	52,465
(3) Archives Historical Collections Fund.....	10,000

In accordance with Section 41-6-71,
Code of Alabama 1975.

(4) Archives Services Fund..... 50,000

In accordance with Section 41-6-76,
Code of Alabama 1975.

Total Department of Archives and History.....	2,606,086	112,465	2,718,551
--	-----------	---------	-----------

15. ATHLETE AGENTS REGULATO-
RY COMMISSION:

(a) Professional and Occupational
Licensing and Regulation
Program..... 25,000

SOURCE OF FUNDS:

(1) Athlete Agents Regulatory
Commission Fund..... 25,000

As provided in Section 8-26-17, Code
of Alabama 1975.

Total Athlete Agents Regulatory Commission.....	25,000	25,000
--	--------	--------

16. ATHLETIC TRAINERS, ALABAMA
BOARD OF:

(a) Professional and Occupational
Licensing and Regulation
Program..... 25,000

SOURCE OF FUNDS:

(1) Alabama Athletic Trainers Fund..... 25,000

As provided in Section 34-40-14, Code
of Alabama 1975.

Total Alabama Board of Athletic Trainers.....	25,000	25,000
--	--------	--------

17. ATTORNEY GENERAL, OFFICE
OF THE:

(a) Legal Advice and Legal Services Program.....	10,259,145
(b) Fair Marketing Practices Program...	1,051,349

SOURCE OF FUNDS:

(1) State General Fund.....	7,708,806
(2) State General Fund - Consumer Protection.....	675,376
(3) State General Fund - Consumer Utility Rate Hearing Fund.....	250,000
(4) Federal Funds.....	1,309,612
(5) Miscellaneous Receipts.....	1,281,700
(6) Attorney General's Litigation Support Fund.....	85,000

In accordance with Section 36-15-4.2,
Code of Alabama 1975.

Total Office of the Attorney General....	<u>8,634,182</u>	<u>2,676,312</u>	<u>11,310,494</u>
--	------------------	------------------	-------------------

18. AUCTIONEERS, ALABAMA
STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	115,752
---	---------

SOURCE OF FUNDS:

(1) State Board of Auctioneers Fund....	<u>115,752</u>	
Total Alabama State Board of Auctioneers.....	<u>115,752</u>	<u>115,752</u>

19. AUDITOR, STATE:

(a) Fiscal Management Program.....	728,585
------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	728,585	
Total State Auditor.....	728,585	728,585

20. BANKING DEPARTMENT,
STATE:

(a) Charter, License and Regulate Financial Institutions Program.....		4,584,879
--	--	-----------

SOURCE OF FUNDS:

(1) Banking Assessment Fees.....	3,785,530	
As provided in Section 5-2A-20, Code of Alabama 1975.		
(2) Loan Examination Fund.....	799,349	
As provided in Sections 5-2A-24, 5-16-38.1, and 5-18-5, Code of Alabama 1975.		
Total State Banking Department.....	4,584,879	4,584,879

21. BAR ASSOCIATION, ALABAMA
STATE:

(a) Professional and Occupational Licensing and Regulation Program.....		2,691,426
---	--	-----------

SOURCE OF FUNDS:

(1) State Bar Association Fund.....	2,321,625	
As provided in Sections 34-3-4 and 34-3-44, Code of Alabama 1975.		
(2) Federal and Local Funds.....	369,801	
As provided in Sections 34-3-44, 34-3-17 and 34-3-18, Code of Alabama 1975.		
Total Alabama State Bar Association...	2,691,426	2,691,426

**22. BEAR CREEK DEVELOPMENT
AUTHORITY:**

(a) Water Resource Development Program.....	38,229
--	--------

SOURCE OF FUNDS:

(1) State General Fund.....	38,229	
-----------------------------	--------	--

Total Bear Creek Development Authority.....	38,229	38,229
--	--------	--------

23. BUILDING COMMISSION, STATE:

(a) Special Services Program.....	1,120,633
-----------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	697,912
-----------------------------	---------

(2) Miscellaneous Funds.....	422,721
------------------------------	---------

Total State Building Commission.....	697,912	422,721	1,120,633
--------------------------------------	---------	---------	-----------

**24. BUILDING RENOVATION
FINANCE AUTHORITY,
ALABAMA:**

(a) Administrative Support Services Program.....	8,058,663
---	-----------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,781,989
--------------------------------------	-----------

(2) Departmental Receipts, Estimated	6,276,674
--------------------------------------	-----------

Total Alabama Building Renovation Finance Authority.....	1,781,989	6,276,674	8,058,663
---	-----------	-----------	-----------

**25. CAHAWBA ADVISORY
COMMITTEE:**

(a) Historical Resources Management Program.....	16,377
---	--------

SOURCE OF FUNDS:

(1) State General Fund.....	16,377		
Total Cahawba Advisory Committee....	16,377		16,377

26. CHILD ABUSE AND NEGLECT
PREVENTION BOARD:

(a) Social Services Program.....			1,041,491
----------------------------------	--	--	-----------

In accordance with Sections 26-16-1
et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	477,164		
(2) Children's Trust Fund, Estimated....		564,327	
Total Child Abuse and Neglect Prevention Board.....	477,164	564,327	1,041,491

27. CHILDREN'S SERVICES FACILI-
TATION TEAM:

(a) Human Services Program.....			200,000
---------------------------------	--	--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	100,000		
(2) Departmental Receipts.....		100,000	
As provided in Section 12-15-174, Code of Alabama 1975.			
Total Children's Services Facilitation Team.....	100,000	100,000	200,000

28. CHIROPRACTIC EXAMINERS,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....			159,300
---	--	--	---------

SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiners Fund.....	159,300	
---	---------	--

As provided in Section 34-24-143,
Code of Alabama 1975.

Total Alabama State Board of Chiropractic Examiners.....	159,300	159,300
--	---------	---------

29. CHOCCOLOCCO CREEK WATERSHED CONSERVANCY DISTRICT:

(a) Water Resource Development Program.....	19,763	
---	--------	--

SOURCE OF FUNDS:

(1) State General Fund.....	19,763	
-----------------------------	--------	--

Total Choccolocco Creek Watershed Conservancy District.....	19,763	19,763
---	--------	--------

30. CHOCTAWHATCHEE-PEA RIVERS WATERSHED MANAGEMENT AUTHORITY:

(a) Water Resource Development Program.....	247,144	
---	---------	--

SOURCE OF FUNDS:

(1) State General Fund.....	247,144	
-----------------------------	---------	--

Total Choctawhatchee-Pea Rivers Watershed Management Authority. .	247,144	247,144
---	---------	---------

31. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:

(a) State Land Management Program. .	2,365,240	
--------------------------------------	-----------	--

(b) Outdoor Recreation Sites and Services Program.....	29,450,139	
--	------------	--

(c) Marine Police Program.....	6,565,294	
--------------------------------	-----------	--

(d) Wildlife Game and Fish Program....	20,090,740	
--	------------	--

(e) Marine Resources Program.....	2,844,980
(f) Administrative Services Program.....	4,538,171
(g) Capital Outlay Program.....	1,165,899

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) S t a t e G e n e r a l Fund-Transfer-Game and Fish Fund.....	372,934
---	---------

To implement the provisions of Federal Regulation 50CFR 80.4(a)(3).

(2) Game and Fish Fund-Licenses, Fines, Fees, Interest Income and Other Departmental Receipts.....	14,469,705
(3) Game and Fish Fund-Federal and Local Funds.....	5,974,000
(4) State Lands Fund.....	2,465,240
(5) Marine Resources Fund-Licenses, Taxes, Fines and Other Depart- mental Receipts.....	1,984,980
(6) Marine Resources Fund-Federal and Local Funds.....	900,000

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating

to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island are hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(7) Marine Police Fund-Licenses, Fines, Taxes and Other Departmental Receipts.....	6,115,294
(8) Marine Police Fund-Federal and Local Funds.....	750,000
(9) State Parks Fund.....	311,470
(10) Parks Revolving Fund, Estimated	25,138,669
(11) State Parks Fund-Cigarette Tax....	4,000,000
(12) Administrative Funds.....	4,538,171

The funds hereinabove appropriated shall be payable as provided in Sections 9-2-1 et seq., Code of Alabama 1975.

Total Department of Conservation and Natural Resources.....	372,934	66,647,529	67,020,463
---	---------	------------	------------

32. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a) Professional and Occupational Licensing and Regulation Program.....	680,709
---	---------

SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund.....	680,709
---	---------

Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors.....	680,709	680,709
--	---------	---------

33. CORRECTIONS, DEPARTMENT OF:

(a) Administrative Services and Logistical Support Program.....	10,241,885
(b) Institutional Services Corrections Program.....	155,459,772
(c) Community Corrections Program....	2,700,000
(d) Correctional Agricultural and Industries Program.....	18,838,300

The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program.

SOURCE OF FUNDS:

(1) State General Fund.....	156,000,000
(2) Department of Corrections Industrial Revolving Fund.....	18,838,300

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which

would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

(3) Drug Demand Reduction Fund.....	153,602
-------------------------------------	---------

In accordance with Section 13A-12-283, Code of Alabama 1975.

(4) Federal Funds.....	302,057
------------------------	---------

(5) Departmental Receipts.....	11,945,998
--------------------------------	------------

Total Department of Corrections.....	<u>156,000,000</u>	<u>31,239,957</u>	<u>187,239,957</u>
--------------------------------------	--------------------	-------------------	--------------------

34. COSMETOLOGY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	690,000
---	---------

SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund.....	690,000
--	---------

As provided in Section 34-7-42, Code of Alabama 1975.

Total Alabama Board of Cosmetology.....	<u>690,000</u>	<u>690,000</u>
---	----------------	----------------

35. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program.....	206,600
---	---------

SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund.....	206,600	
As provided in Section 34-8A-6, Code of Alabama 1975.		
Total Alabama Board of Examiners in Counseling.....	206,600	206,600
36. CREDIT UNION ADMINISTRATION, ALABAMA:		
(a) Charter, License and Regulate Financial Institutions Program.....		676,704
SOURCE OF FUNDS:		
(1) Alabama Credit Union Administration Fund.....	676,704	
As provided in Section 5-17-7, Code of Alabama 1975.		
Total Alabama Credit Union Administration.....	676,704	676,704
37. CRIME VICTIMS COMPENSATION COMMISSION, ALABAMA:		
(a) Special Services Program, Estimated.....		1,188,700
SOURCE OF FUNDS:		
(1) Alabama Crime Victims Compensation Commission Fund, Estimated.....	1,188,700	
To be expended in accordance with Sections 15-23-1 through 15-23-23, Code of Alabama 1975.		
Total Alabama Crime Victims Compensation Commission.....	1,188,700	1,188,700
38. CRIMINAL JUSTICE INFORMATION CENTER, ALABAMA:		
(a) Criminal Justice Information Services Program.....		4,210,890

SOURCE OF FUNDS:

(1) State General Fund.....	2,311,735		
(2) Miscellaneous Receipts.....		8,000	
(3) Federal and Local Funds.....		<u>1,891,155</u>	
Total Alabama Criminal Justice Information Center.....	<u>2,311,735</u>	<u>1,899,155</u>	<u>4,210,890</u>

39. DEVELOPMENT OFFICE,
ALABAMA:

(a) Promotional Development Program-Alabama Film Commission.....			212,968
(b) Administrative Services Program....			87,018
(c) Industrial Development Program-Alabama Development Office.....			3,899,778

SOURCE OF FUNDS:

(1) State General Fund-Alabama Development Office.....	3,799,778		
(2) State General Fund-Small Business Office of Advocacy.....	87,018		
(3) State General Fund-Alabama Film Commission.....	212,968		
(4) Departmental Receipts.....		<u>100,000</u>	
Total Alabama Development Office.....	<u>4,099,764</u>	<u>100,000</u>	<u>4,199,764</u>

40. DIETETICS/NUTRITION
PRACTICE, ALABAMA STATE
BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program.....			60,000
---	--	--	--------

SOURCE OF FUNDS:

(1) State Board of Dietetics/Nutrition Fund.....	60,000	
Total Alabama State Board of Examiners for Dietetics/Nutrition Practice.....	60,000	60,000

41. DISTRICT ATTORNEYS:

(a) Court Operations Program..... 16,479,930

The proposed spending plan included
in the above total is as follows:

Salaries of District Attorneys.....3,628,898

For the use of the elected Assistant
District Attorney of the Bessemer
Division of the 10th Judicial
Circuit.....152,283

Salaries and expenses of
Supernumerary District Attorneys.....1,474,278

For use in the District Attorney's Office
of the following Judicial Circuits:

1st Judicial Circuit.....147,109

2nd Judicial Circuit.....170,465

3rd Judicial Circuit.....272,693

4th Judicial Circuit.....484,573

5th Judicial Circuit.....449,956

6th Judicial Circuit.....441,295

7th Judicial Circuit.....280,698

8th Judicial Circuit.....193,352

9th Judicial Circuit.....214,403

10th Judicial Circuit.....654,133

11th Judicial Circuit.....139,275

12th Judicial Circuit.....	363,499
13th Judicial Circuit.....	541,189
14th Judicial Circuit.....	187,237
15th Judicial Circuit.....	563,972
16th Judicial Circuit.....	273,583
17th Judicial Circuit.....	177,260
18th Judicial Circuit.....	387,861
19th Judicial Circuit.....	228,128
20th Judicial Circuit.....	330,163
21st Judicial Circuit.....	216,585
22nd Judicial Circuit.....	244,260
23rd Judicial Circuit.....	484,936
24th Judicial Circuit.....	186,443
25th Judicial Circuit.....	185,596
26th Judicial Circuit.....	311,494
27th Judicial Circuit.....	210,615
28th Judicial Circuit.....	276,740
29th Judicial Circuit.....	334,847
30th Judicial Circuit.....	263,791
31st Judicial Circuit.....	154,793
32nd Judicial Circuit.....	235,679
33rd Judicial Circuit.....	120,789
34th Judicial Circuit.....	145,079
35th Judicial Circuit.....	191,027

36th Judicial Circuit.....136,847

37th Judicial Circuit.....252,306

38th Judicial Circuit.....229,460

39th Judicial Circuit.....173,436

40th Judicial Circuit.....141,843

Travel Expenses of District
Attorneys.....60,176

Investigators Subsistence-
Section 36-21-2, Code of
Alabama 1975.....166,885

SOURCE OF FUNDS:

(1) State General Fund..... 16,479,930

Total District Attorneys..... 16,479,930 16,479,930

**42. ECONOMIC AND COMMUNITY
AFFAIRS, ALABAMA DEPART-
MENT OF:**

(a) Administrative Support Program..... 7,616,660

(b) Planning Program..... 50,101,839

Of the above appropriation, at least
\$510,000 shall be spent for the
Regional Planning Commissions;
\$50,000 shall be spent for the
Alabama Council of Economic
Education; and \$25,000 shall be
spent for the Alabama Commission
on Aerospace Science and
Industry.

(c) Special Services Program..... 26,024,455

Of the above appropriation, \$300,000
shall be paid into the Teachers'
Retirement System on behalf of
Community Action Agency
personnel, and at least \$500,000
shall be distributed to community
action administering agencies

based on their populations below the poverty level, provided however, that not more than 10% of each agency's allocation shall be expended for administration.

(d) Skills Enhancement and Employment Opportunities Program.....	61,932,256
(e) Energy Management Program.....	5,204,863
(f) Police Services Program.....	4,498,288
(g) Law Enforcement Planning and Development Program.....	12,717,253
(h) Surplus Property Program.....	3,822,526
(i) Water Resources Program.....	1,805,111
(j) PALS/Adopt-A-Mile Program.....	200,000

SOURCE OF FUNDS:

(1) State General Fund.....	10,494,397		
(2) Federal and Local Funds.....		152,478,006	
(3) Administrative Transfers and Other Departmental Receipts.....		7,188,693	
(4) Administrative Transfers from Federal-Donated Surplus Property Sales.....		2,998,919	
(5) Administrative Transfers from State-Owned Surplus Property Sales.....		763,236	
Total Alabama Department of Economic and Community Affairs.....	10,494,397	163,428,854	173,923,251

43. ELECTRICAL CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	99,000
---	--------

SOURCE OF FUNDS:

(1) Alabama Board of Electrical Contractors Fund.....	99,000	
As provided in Section 34-36-17, Code of Alabama 1975.		
Total Board of Electrical Contractors....	99,000	99,000

44. ELK RIVER DEVELOPMENT AGENCY:

(a) Water Resource Development Program.....		2,989
---	--	-------

SOURCE OF FUNDS:

(1) State General Fund.....	2,989	
Total Elk River Development Agency...	2,989	2,989

45. EMERGENCY MANAGEMENT AGENCY:

(a) Readiness and Recovery Program.....		20,791,579
(b) Transfer to County Emergency Management Agencies.....		276,675

The above appropriation of \$276,675 is in addition to the regular allocations to county emergency management agencies.

SOURCE OF FUNDS:

(1) State General Fund.....	1,014,870		
(2) Federal and Local Funds.....		20,053,384	
Total Emergency Management Agency.....	1,014,870	20,053,384	21,068,254

46. ENERGY BOARD, SOUTHERN
STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program.....	21,511
--	--------

SOURCE OF FUNDS:

(1) State General Fund.....	21,511	
Total Southern States Energy Board....	21,511	21,511

47. ENGINEERS AND LAND
SURVEYORS, STATE BOARD OF
REGISTRATION FOR
PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program.....	724,191
---	---------

SOURCE OF FUNDS:

(1) Professional Engineers Fund.....	724,191	
As provided in Section 34-11-36, Code of Alabama 1975.		
Total State Board of Registration for Professional Engineers and Land Surveyors.....	724,191	724,191

48. ENVIRONMENTAL
MANAGEMENT, DEPARTMENT
OF:

(a) Environmental Management Program.....	48,236,353
---	------------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	4,025,650
(2) State General Fund-Transfer to Water Pollution Control Authority.....	799,638

(3) State General Fund-Transfer to Hazardous Substance Cleanup Fund.....	36,347
In accordance with Sections 22-30A-3 through 22-30A-11, Code of Alabama 1975.	
(4) Environmental Management Fines and Fees.....	11,254,295
As provided in Section 22-22A-11, Code of Alabama 1975.	
(5) Federal Funds.....	13,805,046
(6) Federal Match-Water Pollution Control Authority.....	11,000,000
(7) Transfer from Underground and Aboveground Storage Tank Trust Fund.....	705,000
As provided in Section 22-35-9, Code of Alabama 1975.	
(8) Underground and Aboveground Storage Tank Trust Fund.....	4,705,000
As provided in Section 22-35-5, Code of Alabama 1975.	
(9) Environmental Education Fund	750,000
In accordance with Section 32-6-156.1, Code of Alabama 1975.	
(10) Hazardous Substance Cleanup Fund.....	205,600
In accordance with Sections 22-30A-3 through 22-30A-11, Code of Alabama 1975.	
(11) SRF Administrative Fees.....	949,777
In accordance with Section 22-34-3, Code of Alabama 1975.	

Total Department of Environmental Management.....	4,861,635	43,374,718	48,236,353
---	-----------	------------	------------

49. ETHICS COMMISSION, ALABAMA:

(a) Regulation of Public Officials and Employees Program.....			750,000
---	--	--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	750,000		
-----------------------------	---------	--	--

Total Alabama Ethics Commission.....	750,000		750,000
--------------------------------------	---------	--	---------

50. FARMERS' MARKET AUTHORITY:

(a) Agricultural Development Services Program.....			225,324
--	--	--	---------

(b) Capital Outlay Program.....			50,000
---------------------------------	--	--	--------

SOURCE OF FUNDS:

(1) State General Fund.....	116,149		
-----------------------------	---------	--	--

(2) Farmers' Market Authority Fund.....		159,175	
---	--	---------	--

Total Farmers' Market Authority.....	116,149	159,175	275,324
--------------------------------------	---------	---------	---------

51. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program.....			4,806,750
------------------------------------	--	--	-----------

(b) Administrative Support Services Program.....			3,995,984
--	--	--	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	8,638,734		
-----------------------------	-----------	--	--

(2) Miscellaneous Funds.....		164,000	
------------------------------	--	---------	--

Total Department of Finance.....	8,638,734	164,000	8,802,734
----------------------------------	-----------	---------	-----------

52. FINANCE, DEPARTMENT OF -
CAPITOL COMPLEX MAINTENANCE AND REPAIR:

(a) Administrative Support Services Program.....	8,182,013
--	-----------

SOURCE OF FUNDS:

(1) Capitol Complex Revolving Fund....	<u>8,182,013</u>
--	------------------

Total Department of Finance - Capitol Complex Maintenance and Repair...	<u>8,182,013</u>	<u>8,182,013</u>
---	------------------	------------------

53. FINANCE, DEPARTMENT OF -
DATA CENTER REVOLVING FUND:

(a) Administrative Support Services Program.....	22,040,820
--	------------

SOURCE OF FUNDS:

(1) Data Center Revolving Fund.....	<u>22,040,820</u>
-------------------------------------	-------------------

Total Department of Finance - Data Center Revolving Fund.....	<u>22,040,820</u>	<u>22,040,820</u>
---	-------------------	-------------------

54. FINANCE, DEPARTMENT OF -
MAIL AND SUPPLY:

(a) Administrative Support Services Program.....	7,379,879
--	-----------

SOURCE OF FUNDS:

(1) Mail and Supply Revolving Fund....	<u>7,379,879</u>
--	------------------

Total Department of Finance - Mail and Supply.....	<u>7,379,879</u>	<u>7,379,879</u>
--	------------------	------------------

55. FINANCE, DEPARTMENT OF -
MOTOR POOL:

(a) Administrative Support Services Program.....	2,244,874
--	-----------

SOURCE OF FUNDS:

(1) Motor Pool Revolving Fund.....	2,244,874	
------------------------------------	-----------	--

Total Department of Finance - Motor Pool.....	2,244,874	2,244,874
---	-----------	-----------

56. FINANCE, DEPARTMENT OF -
PRINTING AND PUBLICATIONS:

(a) Administrative Support Services Program.....		7,125,453
--	--	-----------

SOURCE OF FUNDS:

(1) Printing and Publications Revolving Fund.....	7,125,453	
---	-----------	--

Total Department of Finance - Printing and Publications.....	7,125,453	7,125,453
--	-----------	-----------

57. FINANCE, DEPARTMENT OF -
RISK MANAGEMENT:

(a) Administrative Support Services Program.....		2,337,472
--	--	-----------

SOURCE OF FUNDS:

(1) S t a t e I n s u r a n c e Fund-Administration.....	1,261,732	
--	-----------	--

As provided in Sections 41-15-1, et seq., Code of Alabama 1975.

(2) General Liability Trust Fund-Administration.....	644,422	
--	---------	--

As provided in Sections 36-1-6.1, et seq., Code of Alabama 1975.

(3) Employee Injury Compensation Trust Fund-Administration.....	431,318	
---	---------	--

As provided in Sections 36-29A-1, et seq., Code of Alabama 1975.

Total Department of Finance-Risk Management.....	2,337,472	2,337,472
--	-----------	-----------

58. FINANCE, DEPARTMENT OF -
TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program.....	16,063,879
---	------------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,270,198		
(2) Telephone Revolving Fund, Estimated.....		14,793,681	
Total Department of Finance - Telephone Revolving Fund.....	1,270,198	14,793,681	16,063,879

59. FOREIGN TRADE RELATIONS
COMMISSION:

(a) Special Services Program.....	101,300
-----------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	101,300		
Total Foreign Trade Relations Commission.....	101,300		101,300

60. FORENSIC SCIENCES, DEPART-
MENT OF:

(a) Forensic Science Services Program.....	9,123,664
---	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	6,371,450		
(2) Federal and Local Funds.....		752,214	
(3) DNA Fund.....		2,000,000	
Total Department of Forensic Sciences.....	6,371,450	2,752,214	9,123,664

61. FORESTERS, ALABAMA STATE
BOARD OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program.....	45,000
---	--------

SOURCE OF FUNDS:

(1) Professional Foresters Fund.....	45,000
--------------------------------------	--------

As provided in Section 34-12-36, Code
of Alabama 1975.

Total Alabama State Board of Regis- tration for Foresters.....	45,000	45,000
---	--------	--------

62. FORESTRY COMMISSION,
ALABAMA:

(a) Forest Resources Protection and Development Program.....	21,548,225
---	------------

(b) Capital Outlay Program.....	500,000
---------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	11,006,610
--------------------------------------	------------

(2) Federal and Local Funds.....	3,518,424
----------------------------------	-----------

(3) Forestry Commission Fund.....	7,523,191
-----------------------------------	-----------

Total Alabama Forestry Commission....	11,006,610	11,041,615	22,048,225
---------------------------------------	------------	------------	------------

Of the above appropriation to the Alabama Forestry Commission, \$2,011,017 shall be used for rural and community fire protection, and \$350,496 shall be used for forestry research, marketing, management and environmental improvement grants.

63. FOREVER WILD LAND TRUST,
BOARD OF:

(a) Capital Outlay Program.....	2,524,500
---------------------------------	-----------

(b) Administration Program..... 775,500

Of the above appropriation to the Administration Program, an amount equal to 15% of capital outlay expenditures shall be transferred to the Alabama Trust Fund Forever Wild Land Trust Stewardship Account.

SOURCE OF FUNDS:

(1) Forever Wild Land Trust Fund..... 3,300,000

In accordance with the Constitutional Amendment No. 543 adopted pursuant to Act 91-219.

Total Board of Forever Wild Land Trust.....	3,300,000	3,300,000
---	-----------	-----------

64. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program..... 160,000

SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund..... 160,000

As provided in Section 34-13-23, Code of Alabama 1975.

Total Alabama Board of Funeral Service.....	160,000	160,000
---	---------	---------

65. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program..... 3,034,596

SOURCE OF FUNDS:

(1) State General Fund.....	1,928,858		
(2) Federal and Local Funds.....		1,105,738	
Total Geological Survey.....	1,928,858	1,105,738	3,034,596

66. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program.....			3,505
--	--	--	-------

SOURCE OF FUNDS:

(1) State General Fund.....	3,505		
-----------------------------	-------	--	--

As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.

Total Gorgas Memorial Board.....	3,505		3,505
----------------------------------	-------	--	-------

67. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program.....			637,500
--------------------------------------	--	--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	637,500		
-----------------------------	---------	--	--

Total Governor's Contingency Fund.....	637,500		637,500
--	---------	--	---------

68. GOVERNOR'S MANSION:

(a) Executive Direction Program.....			379,548
--------------------------------------	--	--	---------

(b) Capital Outlay Program.....			60,000
---------------------------------	--	--	--------

SOURCE OF FUNDS:

(1) State General Fund.....	439,548		
-----------------------------	---------	--	--

Total Governor's Mansion.....	439,548		439,548
-------------------------------	---------	--	---------

69. GOVERNOR'S MANSION ADVISORY BOARD:

(a) Historical Resources Management Program.....			6,111
--	--	--	-------

SOURCE OF FUNDS:

(1) State General Fund.....	6,111	
Total Governor's Mansion Advisory Board.....	6,111	6,111

70. GOVERNOR'S OFFICE:

(a) Executive Direction Program.....	2,871,875
--------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	2,871,875	
Total Governor's Office.....	2,871,875	2,871,875

71. GOVERNOR'S OFFICE ON
NATIONAL AND COMMUNITY
SERVICE:

(a) Executive Direction Program.....	369,394
--------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund.....	69,394	
(2) Federal Funds.....		300,000
Total Governor's Office on National and Community Service.....	69,394	300,000
		369,394

72. HEALTH, DEPARTMENT OF
PUBLIC:

(a) Personal Health Services Program	125,976,689
(b) Health Support Services Program...	182,451,548

Of the amount appropriated to support local health department services, \$5,000,000 shall be used to provide a minimum staff in each of the 67 counties and the remaining shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program.... 14,553,596

SOURCE OF FUNDS:

(1) State General Fund..... 29,728,699

(2) State General Fund for
Homebound and Community Based
Waiver Program..... 7,500,000

(3) Cigarette Tax-\$0.01 and \$0.02..... 1,600,000

As provided in Section 40-25-2 and
Section 40-25-23, Code of Alabama
1975.

(4) Vital Statistics Fund..... 3,517,690

(5) Hospital Licensing Fund..... 450,000

(6) Emergency Medical Services Fund 96,000

As provided in Section 22-18-4, Code
of Alabama 1975.

(7) Local Health Departments..... 106,239,285

(8) Milk Processing Fee..... 30,562

In accordance with Sections 20-1-140
through 20-1-146, Code of
Alabama 1975.

(9) Radiation Safety Fund..... 1,561,804

(10) Miscellaneous Funds..... 20,036,935

(11) Federal Funds..... 126,774,603

(12) Health-Medicaid Fund..... 25,446,255

Total Department of Public Health..... 37,228,699 285,753,134 322,981,833

Of the above appropriation to the
Department of Public Health, at
least \$2,000,000 shall be spent on
perinatal activities. The Depart-
ment of Public Health will reimburse

to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

73. HEALTH PLANNING AGENCY,
STATE:

(a) Health Planning Development and Regulation Program.....	550,002
---	---------

SOURCE OF FUNDS:

(1) State General Fund.....	2		
(2) Certificate of Need Fees.....		500,000	
(3) Departmental Receipts.....		50,000	
Total State Health Planning Agency.....	2	550,000	550,002

74. HEARING INSTRUMENT
DEALERS, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	54,000
---	--------

SOURCE OF FUNDS:

(1) Hearing Instrument Dealers Fund...	54,000		
As provided in Section 34-14-33, Code of Alabama 1975.			
Total Alabama Board of Hearing Instrument Dealers.....		54,000	54,000

75. HEATING AND AIR CONDITION-
ING CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	401,350
---	---------

SOURCE OF FUNDS:

(1) Heating and Air Conditioning Contractors Fund.....	401,350	
---	---------	--

As provided in Sections 34-31-18
through 34-31-34, Code of
Alabama 1975.

Total Board of Heating and Air Condi- tioning Contractors.....	401,350	401,350
---	---------	---------

76. HERITAGE TRUST FUND,
ALABAMA:

(a) Fiscal Management Program.....		20,000
------------------------------------	--	--------

SOURCE OF FUNDS:

(1) Heritage Trust Income.....	20,000	
--------------------------------	--------	--

Total Alabama Heritage Trust Fund.....	20,000	20,000
--	--------	--------

77. HISTORIC BLAKELEY
AUTHORITY:

(a) Historical Resources Management Program.....		100,000
---	--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	100,000	
-----------------------------	---------	--

Total Historic Blakeley Authority.....	100,000	100,000
--	---------	---------

78. HISTORIC CHATTAHOOCHEE
COMMISSION:

(a) Historical Resources Management Program.....		118,180
---	--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	118,180	
-----------------------------	---------	--

Total Historic Chattahoochee Commission.....	118,180	118,180
---	---------	---------

The funds hereby appropriated are to be expended only for grants, projects, and/or any other legal purposes in the State of Alabama.

79. HISTORICAL COMMISSION,
ALABAMA:

(a) Historical Resources Management Program.....	4,072,456
(b) Capital Outlay Program.....	75,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	2,072,072
--------------------------------------	-----------

The above appropriation shall be distributed as follows:

Historical Commission,
Alabama.....716,887

Historical Commission, Alabama-La
Grange.....5,549

Historical Commission,
Alabama-Magnolia Grove.....27,124

Historical Commission, Alabama-Fort
Morgan.....129,198

Historical Commission, Alabama-Fort
Toulouse.....127,500

Historical Commission, Alabama-John
T. Morgan House, Selma.....8,180

Historical Commission,
Alabama-Cahaba.....150,000

The administrative fee charged by the Alabama Historical Commission to the Cahaba Account shall not exceed 3% of the above amount.

Historical Commission,
Alabama-Gaineswood.....52,998

Historical Commission, Alabama-State
Capitol.....769,636

Mainstreet Program.....85,000

(2) Soldiers Fund..... 274,395

As provided in Section 40-8-3, Code of
Alabama 1975.

(3) Alabama State Historical
Preservation Fund-Departmental
Receipts..... 1,100,989

(4) Federal and Local Funds..... 700,000

Total Alabama Historical Commission.. 2,072,072 2,075,384 4,147,456

80. HOME BUILDERS LICENSURE
BOARD:

(a) Professional and Occupational
Licensing and Regulation
Program..... 1,280,000

SOURCE OF FUNDS:

(1) Home Builders Licensure Board
Fund..... 880,000

In accordance with Sections 34-14A-1
through 34-14A-17, Code of
Alabama 1975.

(2) Home Builders Licensure Board
Recovery Fund..... 400,000

Total Home Builders Licensure
Board..... 1,280,000 1,280,000

81. HUMAN RESOURCES, DEPART-
MENT OF:

(a) Human Services Program..... 455,883,114

Of the above appropriation,
\$6,000,000 shall be used only for
implementation of R.C. v. Corley. It

is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' populations according to the 1990 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	38,875,498
(2) Federal and Local Funds.....	313,494,785
(3) ABC Profits.....	500,000
(4) Whiskey Tax.....	21,258,500
(5) Beer Tax.....	9,200,000
(6) Pension Residue.....	18,500,000
(7) Sales Tax.....	1,322,000
(8) Franchise Tax.....	15,250,000
(9) Child Support Collections.....	6,118,737
(10) Sales Tax for Food Stamps, Estimated.....	23,495,594
In accordance with Section 40-23-35, Code of Alabama 1975.	
(11) Cigarette Tax.....	3,900,000
(12) Contractor's Gross Receipts Tax. .	2,500,000
(13) Foster Care Trust Fund.....	400,000

(14) Child Support Interest and Fees...	480,000		
(15) Miscellaneous Receipts.....	<u>588,000</u>		

Total Department of Human Resources.....	<u>38,875,498</u>	<u>417,007,616</u>	<u>455,883,114</u>
--	-------------------	--------------------	--------------------

82. INCENTIVES FINANCE AUTHORITY, ALABAMA:.....			6,000,000
---	--	--	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	<u>6,000,000</u>		
-----------------------------	------------------	--	--

Total Alabama Incentives Finance Authority.....	<u>6,000,000</u>		<u>6,000,000</u>
---	------------------	--	------------------

83. INDIAN AFFAIRS COMMISSION, ALABAMA:

(a) Social Services Program.....			254,000
----------------------------------	--	--	---------

The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	200,000		
-----------------------------	---------	--	--

(2) Federal and Local Funds.....	<u>54,000</u>		
----------------------------------	---------------	--	--

Total Alabama Indian Affairs Commission.....	<u>200,000</u>	<u>54,000</u>	<u>254,000</u>
--	----------------	---------------	----------------

84. INDUSTRIAL DEVELOPMENT AUTHORITY, STATE:

(a) Industrial Development Program.....			400,000
---	--	--	---------

SOURCE OF FUNDS:

(1) SIDA Application Fees Fund.....	200,000		
-------------------------------------	---------	--	--

(2) SIDA Incentive Program Fund.....	<u>200,000</u>		
--------------------------------------	----------------	--	--

Total State Industrial Development Authority.....	<u>400,000</u>		<u>400,000</u>
---	----------------	--	----------------

85. INDUSTRIAL RELATIONS,
DEPARTMENT OF:

(a) Employment Security Program.....	50,981,745
(b) Industrial Safety and Accident Prevention Program.....	5,053,812
(c) Administrative Services Program....	13,827,971
(d) Workers' Compensation Program...	4,793,323

SOURCE OF FUNDS:

(1) State General Fund.....	724,712		
(2) Federal and Local Funds.....		73,932,139	
Total Department of Industrial Relations.....	724,712	73,932,139	74,656,851

86. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program.....	5,039,861
--------------------------------------	-----------

Of the above appropriation, at least
\$50,000 shall be expended for
public rate hearings.

SOURCE OF FUNDS:

(1) State General Fund.....	1,846,661		
(2) Fire Marshal's Fund.....		209,697	
As provided in Sections 34-33-11, 8-17-211, and 8-17-255, Code of Alabama 1975.			
(3) Examination Revolving Fund.....		2,983,503	
Total Department of Insurance.....	1,846,661	3,193,200	5,039,861

87. INSURANCE BOARD, STATE
EMPLOYEES':

(a) Administrative Support Services Program.....	1,116,600
---	-----------

SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund.....	1,116,600	
--	-----------	--

Total State Employees' Insurance Board.....	1,116,600	1,116,600
---	-----------	-----------

88. INTERIOR DESIGNERS,
ALABAMA STATE BOARD OF
REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program.....		17,800
---	--	--------

SOURCE OF FUNDS:

(1) Interior Designer Fund.....	17,800	
---------------------------------	--------	--

As provided in Section 34-15A-7,
Code of Alabama 1975.

Total Alabama State Board of Registration for Interior Designers.....	17,800	17,800
---	--------	--------

89. LABOR, DEPARTMENT OF:

(a) Regulatory Services Program.....		362,466
--------------------------------------	--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	268,081	
-----------------------------	---------	--

(2) Federal and Local Funds.....	94,385	
----------------------------------	--------	--

Total Department of Labor.....	268,081	94,385	362,466
--------------------------------	---------	--------	---------

90. LANDSCAPE ARCHITECTS,
BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program.....		44,224
---	--	--------

SOURCE OF FUNDS:

(1) Landscape Architect's Fund.....	44,224	
-------------------------------------	--------	--

As provided in Section 34-17-6, Code
of Alabama 1975.

Total Board of Examiners of Landscape Architects.....	44,224	44,224
--	--------	--------

91. LIEUTENANT GOVERNOR,
OFFICE OF THE:

(a) Legislative Operations and Support Program.....		631,131
--	--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	631,131	
-----------------------------	---------	--

Total Office of the Lieutenant Governor.....	631,131	631,131
---	---------	---------

92. LIQUEFIED PETROLEUM GAS
BOARD:

(a) Regulatory Services Program.....		581,329
--------------------------------------	--	---------

SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund.....	506,329	
--	---------	--

(2) Liquefied Petroleum Gas Research and Education Fund.....	75,000	
---	--------	--

Total Liquefied Petroleum Gas Board. .	581,329	581,329
--	---------	---------

93. LIVESTOCK MARKET BOARD,
ALABAMA PUBLIC:

(a) Agricultural Development Service Program.....		1,500
--	--	-------

SOURCE OF FUNDS:

(1) Alabama Public Livestock Market Fund.....	1,500	
--	-------	--

In accordance with Sections 2-15-115
through 2-15-127, Code of
Alabama 1975.

Total Alabama Public Livestock Market Board.....	1,500	1,500
--	-------	-------

94. MANUFACTURED HOUSING COMMISSION, ALABAMA:

(a) Regulatory Services Program.....	1,732,346
--------------------------------------	-----------

SOURCE OF FUNDS:

(1) Alabama Manufactured Housing Commission Fund.....	1,692,346
---	-----------

As provided in Section 24-6-4, Code of Alabama 1975.

(2) Transfer from Manufactured Homes Title Fee Receipts Levied in Section 32-8-6, Code of Alabama 1975.....	40,000
---	--------

Total Alabama Manufactured Housing Commission.....	1,732,346	1,732,346
--	-----------	-----------

95. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance Through Medicaid Program.....	1,771,554,083
--	---------------

The Medicaid Agency will reimburse the Department of Public Health for actual costs (in compliance with OMB Circular A87 and Health Care Financing Administration guidelines) for services provided. The above appropriation shall include a reimbursement of the maximum amount available for rural hospitals that own and operate diploma-issuing schools of nursing that are accredited by the National League of Nursing and the Alabama Board of Nursing. Any rural hospital receiving such reimbursement shall reimburse 20% of said funds to any qualifying Hill-Burton hospital in the same county that provides support for the schools of nursing in the rural hospital.

SOURCE OF FUNDS:

(1) State General Fund.....	143,193,195	
(2) Transfer from Department of Human Resources.....		18,011,250
(3) Transfer from Mental Health.....		51,909,420
(4) Transfer from Commission on Aging.....		3,258,850
(5) Transfer from Department of Public Health.....		10,984,041
(6) Transfer from Department of Youth Services.....		11,000
(7) Transfer from Department of Rehabilitation Services.....		2,113,528
(8) Public Hospitals Transfer.....		267,049,081
(9) Departmental Receipts.....		2,110,500
(10) Federal and Local Funds.....	1,237,891,173	
(11) Alabama Health Care Trust Fund		29,500,000
(12) Unencumbered Balance Brought Forward.....		4,843,670
(13) Transfer from University of Alabama in Birmingham.....		678,375
Total Alabama Medicaid Agency.....	143,193,195	<u>1,628,360,888 1,771,554,083</u>

In addition to the above appropriation, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid.

96. MEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program.....	3,505
--	-------

SOURCE OF FUNDS:

(1) State General Fund.....	3,505	
Total Alabama Men's Hall of Fame.....	3,505	3,505

97. MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT
OF:

(a) Mental Illness Program.....	175,578,087
(b) Mental Retardation Program.....	122,454,040
(c) Administrative Services Program....	14,768,325
(d) Substance Abuse Program.....	21,221,961

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	65,935,154
(2) Special Mental Health Trust Fund...	108,507,530

For Operations and Maintenance of the Department of Mental Health and Mental Retardation and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.

(3) Cigarette Tax.....	3,017,140
(4) Departmental Receipts.....	2,000,000
(5) Indigent Offender Alcohol/Drug Treatment Fund.....	150,000

(6) Federal and Local Funds..... 154,412,589

Total Department of Mental Health and
Mental Retardation..... 65,935,154 268,087,259 334,022,413

Of the above appropriations for Mental Illness Services and Substance Abuse Services, funds shall be allocated by the DMH/MR to Regional Community Mental Health Boards established under Section 22-51-2, Code of Alabama 1975. First priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administrative Code (Section 580-1-1-.19). Such allocations to community boards shall recognize community needs and DMH/MR obligations with respect to the Wyatt Consent Decree, Federal Block Grant allocation rules, and operational funding of facilities constructed with bond issue proceeds.

98. MILITARY DEPARTMENT:

(a) Military Operations Program..... 4,819,518

SOURCE OF FUNDS:

(1) State General Fund-Operations..... 1,600,000

(2) State General Fund-Quarterly Allowances Headquarters..... 1,300,000

(3) State General Fund-Active Military Service..... 7,500

(4) State General Fund-Transfer to Armory Commission..... 1,910,018

(5) State General Fund-Dropping Allowance.....	1,000	
(6) State General Fund-State Defense Force.....	1,000	
Total Military Department.....	4,819,518	4,819,518

99. MILITARY DEPARTMENT -
ARMORY COMMISSION OF
ALABAMA:

(a) Military Operations Program.....	8,189,206
(b) Capital Outlay Program.....	57,000

SOURCE OF FUNDS:

(1) Transfer from Military Department...	1,910,018
(2) Federal and Local Funds.....	6,161,967
(3) Military Department Billeting Revolving Fund, Estimated.....	97,221
(4) Departmental Receipts.....	77,000

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund.

Total Armory Commission of Alabama.....	8,246,206	8,246,206
---	-----------	-----------

100. MOTOR SPORTS HALL OF
FAME:

(a) Historical Resources Management Program.....	131,522
--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	131,522	
Total Motor Sports Hall of Fame.....	131,522	131,522

101. MUSIC HALL OF FAME,
ALABAMA:

(a) Fine Arts Program.....		220,559
----------------------------	--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	220,559	
Total Alabama Music Hall of Fame.....	220,559	220,559

102. NURSING, ALABAMA BOARD
OF:

(a) Professional and Occupational Licensing and Regulation Program.....		2,352,000
---	--	-----------

SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund.....	2,352,000	
---	-----------	--

As provided in Sections 34-21-1
through 34-21-43, Code of
Alabama 1975.

Total Alabama Board of Nursing.....	2,352,000	2,352,000
-------------------------------------	-----------	-----------

103. NURSING HOME
ADMINISTRATORS, BOARD OF
EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program.....		86,000
---	--	--------

SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund.....	86,000	
--	--------	--

As provided in Section 34-20-7, Code
of Alabama 1975.

Total Board of Examiners of Nursing Home Administrators.....	86,000	86,000
---	--------	--------

104. OCCUPATIONAL THERAPY,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....		50,000
---	--	--------

SOURCE OF FUNDS:

(1) Board of Occupational Therapy Fund.....	50,000	
--	--------	--

As provided in Section 34-39-6, Code
of Alabama 1975.

Total Alabama State Board of Occupa- tional Therapy.....	50,000	50,000
---	--------	--------

105. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Develop- ment Program.....		2,517,457
---	--	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	1,902,985	
(2) Oil and Gas Board Special Fund.....	594,472	
(3) Surety Bond Deposits, Estimated....	20,000	

In accordance with Section 9-17-6,
Code of Alabama 1975.

Total Oil and Gas Board.....	1,902,985	614,472	2,517,457
------------------------------	-----------	---------	-----------

106. PARDONS AND PAROLES,
BOARD OF:

(a) Administration of Pardons and Paroles Program.....		16,045,588
---	--	------------

SOURCE OF FUNDS:

(1) State General Fund.....	12,322,992		
(2) Probationers Upkeep Fund.....		3,595,796	
In accordance with Section 15-22-2, Code of Alabama 1975.			
(3) Local Funds.....		126,800	
Total Board of Pardons and Paroles....	12,322,992	3,722,596	16,045,588

107. PEACE OFFICERS' ANNUITY
AND BENEFIT FUND, ALABAMA:

(a) Retirement Systems Program.....		447,360	
-------------------------------------	--	---------	--

SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund.....		447,360	
As provided in Section 36-21-66, Code of Alabama 1975.			
Total Alabama Peace Officers' Annuity and Benefit Fund.....		447,360	447,360

108. PERSONNEL DEPARTMENT,
STATE:

(a) Administrative Support Services Program.....		4,626,101	
---	--	-----------	--

SOURCE OF FUNDS:

Transfers to the State Personnel
Department shall be as follows:

(1) Board of Public Accountancy.....	350
(2) Department of Aeronautics.....	400
(3) Commission on Aging.....	2,100
(4) Department of Agriculture and Industries.....	36,050

(5) Agricultural and Conservation Development Commission.....	50
(6) Agricultural Center Board.....	1,950
(7) Alcoholic Beverage Control Board.....	82,950
(8) Board of Registration for Architects	150
(9) Archives and History.....	5,050
(10) State Council on the Arts.....	1,850
(11) Attorney General's Office.....	13,800
(12) Board of Auctioneers.....	50
(13) State Auditor.....	1,150
(14) State Banking Department.....	4,750
(15) Building Commission.....	1,650
(16) Alabama Building Renovation Finance Authority.....	11,800
(17) Child Abuse and Neglect Prevention Board.....	400
(18) Chiropractic Examiners.....	100
(19) Choctawhatchee-Pea Rivers Watershed.....	50
(20) Department of Conservation and Natural Resources.....	161,050
(21) State Licensing Board for General Contractors.....	650
(22) Department of Corrections.....	344,000
(23) Board of Cosmetology.....	1,250
(24) Credit Union Administration.....	750
(25) Alabama Crime Victims Compen- sation Commission.....	1,750

(26) Criminal Justice Information Center.....	5,750
(27) Alabama Development Office.....	4,100
(28) State Docks.....	34,600
(29) Department of Economic and Community Affairs.....	32,750
(30) Department of Education.....	149,050
(31) Education Employees' Health Insurance Board, Public.....	1,150
(32) Electrical Contractors Board.....	50
(33) Emergency Management Agency	5,400
(34) Employees' Insurance Board.....	1,500
(35) Board of Registration for Professional Engineers and Land Surveyors.....	600
(36) Department of Environmental Management.....	46,550
(37) Ethics Commission.....	650
(38) Examiners of Public Accounts.....	22,600
(39) Farmers' Market Authority.....	150
(40) Finance Department.....	50,800
(41) Foreign Trade Relations Commission.....	100
(42) Department of Forensic Sciences	13,550
(43) Forestry Commission.....	46,300
(44) Funeral Services Board.....	100
(45) Geological Survey.....	6,300

(46) Governor's Office.....	4,400
(47) Department of Public Health.....	501,050
(48) State Health Planning Agency.....	1,400
(49) Board of Heating and Air Condi- tioning Contractors.....	450
(50) Alabama Historical Commission....	8,600
(51) Home Builders Licensure Board....	650
(52) Department of Human Resources	456,700
(53) Alabama Indian Affairs Commission.....	200
(54) Department of Industrial Relations	180,450
(55) Insurance Department.....	7,450
(56) International Airport Authority.....	50
(57) Judicial Inquiry Commission.....	150
(58) Department of Labor.....	700
(59) Legislative Reference Service.....	100
(60) Liquefied Petroleum Gas Board....	850
(61) Manufactured Housing Commission.....	1,600
(62) Alabama Medicaid Agency.....	54,300
(63) Department of Mental Health and Mental Retardation.....	482,100
(64) Military Department.....	23,700
(65) Board of Nursing.....	3,050
(66) Board of Examiners of Nursing Home Administrators.....	50
(67) Board of Occupational Therapy....	50

(68) Oil and Gas Board.....	4,850
(69) Pardons and Paroles.....	37,300
(70) Peace Officers' Annuity and Benefit Fund.....	350
(71) Peace Officers' Standards and Training Commission.....	400
(72) Physical Fitness Commission.....	500
(73) Board of Physical Therapy.....	150
(74) Plumbers and Gas Fitters Examiners Board.....	1,750
(75) Public Library Service.....	5,150
(76) Department of Public Safety.....	124,100
(77) Public Service Commission.....	13,300
(78) Alabama Educational Television Commission.....	7,200
(79) Real Estate Appraisers Board.....	550
(80) Real Estate Commission.....	2,100
(81) Retirement Systems.....	16,700
(82) Department of Revenue.....	138,400
(83) Secretary of State.....	3,750
(84) Securities Commission.....	2,150
(85) Board of Social Work Examiners...	250
(86) Soil and Water Conservation Committee.....	350
(87) Surface Mining Commission.....	3,350
(88) Bureau of Tourism and Travel.....	7,400
(89) Department of Transportation.....	463,900

(90) State Treasurer.....	4,750
(91) Department of Veterans' Affairs....	6,400
(92) Board of Veterinary Medical Examiners.....	150
(93) Voter Registration.....	150
(94) Department of Youth Services.....	51,350
(95) Miscellaneous Receipts.....	5,186
(96) Human Resources-Contract Team	87,877
(97) Public Health-Contract Team.....	334,722
(98) Transportation-Contract Team.....	339,483
(99) Rehabilitation-Contract Team.....	137,883

The appropriations in (96), (97), (98),
and (99) are for an amount as
agreed by State Personnel Depart-
ment and said departments for
model work teams.

Total State Personnel Department.....	4,626,101	4,626,101
---------------------------------------	-----------	-----------

109. PHYSICAL THERAPY, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	206,315
---	---------

SOURCE OF FUNDS:

(1) Physical Therapist Fund.....	206,315
----------------------------------	---------

As provided in Section 34-24-195,
Code of Alabama 1975.

Total Board of Physical Therapy.....	206,315	206,315
--------------------------------------	---------	---------

110. PLUMBERS AND GAS FITTERS
EXAMINING BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....	1,300,000
---	-----------

SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund.....	1,300,000
--	-----------

As provided in Section 34-37-5, Code
of Alabama 1975.

Total Alabama Plumbers and Gas Fitters Examining Board.....	1,300,000	1,300,000
--	-----------	-----------

111. POLYGRAPH EXAMINERS,
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	15,000
---	--------

SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund.....	15,000
---	--------

As provided in Section 34-25-5, Code
of Alabama 1975.

Total Board of Polygraph Examiners....	15,000	15,000
--	--------	--------

112. PROSECUTION SERVICES,
OFFICE OF:

(a) Prosecution, Training, Education and Management Program.....	957,606
---	---------

SOURCE OF FUNDS:

(1) State General Fund.....	200,006
-----------------------------	---------

(2) Office of Prosecution Services Fund.....	757,600
---	---------

Total Office of Prosecution Services.....	200,006	757,600	957,606
---	---------	---------	---------

113. PSYCHOLOGY, ALABAMA
BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program.....	135,371
---	---------

SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund.....	135,371
---	---------

As provided in Section 34-26-43, Code
of Alabama 1975.

Total Alabama Board of Examiners in Psychology.....	135,371	135,371
--	---------	---------

114. PUBLIC SAFETY, DEPART-
MENT OF:

(a) Police Services Program.....	32,776,767
(b) Public Safety Support Services Program.....	11,209,033
(c) Administrative Services Program....	19,435,511

SOURCE OF FUNDS:

(1) State General Fund.....	37,272,860
(2) Transfer from Public Road and Bridge Fund.....	11,500,000
(3) Transfer from Public Road and Bridge Fund-Act 91-797.....	3,500,000
(4) Federal and Local Funds.....	3,966,939
(5) Automated Fingerprint Identifica- tion System Fund.....	1,848,732

In accordance with Sections
12-19-180 and 32-2-61, Code of
Alabama 1975.

(6) Public Safety Law Enforcement Fund.....	4,490,780
---	-----------

In accordance with Section 32-6-5,
Code of Alabama 1975.

(7) Drug Offenders Reinstatement.....	75,000
---------------------------------------	--------

(8) Commercial Driver's License Fee...	767,000
--	---------

In accordance with Section 32-5-313,
Code of Alabama 1975.

Total Department of Public Safety.....	37,272,860	26,148,451	63,421,311
--	------------	------------	------------

**115. PUBLIC SERVICE COM-
MISSION:**

(a) Regulatory Services Program.....	6,676,957
--------------------------------------	-----------

(b) Administrative Services Program....	4,400,974
---	-----------

The above appropriation includes a transfer to the State General Fund of \$2,000,000 in four equal amounts at the end of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Public Service Commission Fund....	10,265,936
--	------------

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund.....	516,995	
(3) Departmental Receipts.....	20,000	
(4) Federal and Local Funds.....	275,000	
Total Public Service Commission.....	11,077,931	11,077,931

116. REAL ESTATE APPRAISERS BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....		586,279
---	--	---------

SOURCE OF FUNDS:

(1) Real Estate Appraisers Board Fund	586,279	
In accordance with Sections 34-27A-1 through 34-27A-29, Code of Alabama 1975.		
Total Alabama Real Estate Appraisers Board.....	586,279	586,279

117. REAL ESTATE COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....		2,710,649
---	--	-----------

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund.....	2,710,649	
As provided in Section 34-27-4, Code of Alabama 1975, and the total expenditures shall in no manner exceed the amounts hereby appropriated.		
Total Alabama Real Estate Commission.....	2,710,649	2,710,649

118. REHABILITATION SERVICES,
DEPARTMENT OF:

(a) Rehabilitation Services Program.....	1,911,575
--	-----------

SOURCE OF FUNDS:

(1) State General Fund-Homebound....	1,870,341	
(2) State General Fund-Eye Injury Register.....	41,234	
Total Department of Rehabilitation Services.....	1,911,575	1,911,575

119. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program.....	80,275,926
---	------------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	191,301	
As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem tax assessments.		
(2) State General Fund-Board of Equalization.....	76,542	
(3) Transfer from the gross proceeds of Cigarette Tax Collections.....	1,295,144	
As provided in Section 40-25-27, Code of Alabama 1975.		
(4) Transfer from the gross proceeds of Financial Institution Excise Tax Collections.....	387,523	
(5) Transfer from the proceeds of the Forest Severance Tax Collections...	142,668	
(6) Transfer from the gross proceeds of Gasoline Tax Collections.....	6,884,460	

(7) Transfer from the Income Tax Collections.....	23,232,079
(8) Transfer from the gross proceeds of Motor Fuel Tax Collections.....	1,414,036
(9) Transfer from the gross proceeds of Motor Vehicle License Collections.....	2,983,674
(10) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax.....	1,418,843
(11) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax.....	2,311,268
(12) Transfer from the gross proceeds of Sales Tax Collections.....	20,312,672
(13) Transfer from the gross proceeds of the Tobacco Tax Collections.....	61,170
(14) Transfer from the gross proceeds of Use Tax Collections.....	2,222,931
(15) Transfer from the gross proceeds of the Utility Tax Collections.....	4,935,503
(16) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags.....	2,365,083
(17) Inspection fees for restored vehicles.....	1,250,000
As provided in Section 32-8-87, Code of Alabama 1975.	
(18) Transfer from Abandoned Property Trust Fund.....	100,000
As provided in Section 35-12-39, Code of Alabama 1975.	

(19) Transfer from the gross proceeds of the Pharmaceutical Services Privilege Tax Collections.....	36,530
(20) Transfer from the gross proceeds of Nursing Facility Privilege Tax Collections.....	254,499
(21) Local Funds.....	8,400,000

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue.....	<u>267,843</u>	<u>80,008,083</u>	<u>80,275,926</u>
----------------------------------	----------------	-------------------	-------------------

120. SECRETARY OF STATE:

(a) Administrative Support Services Program.....	1,715,547
---	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	702,553		
(2) UCC and Farm Indexing Fund.....		350,010	
(3) Corporations Fund.....		<u>662,984</u>	
Total Secretary of State.....	<u>702,553</u>	<u>1,012,994</u>	<u>1,715,547</u>

121. SECURITIES COMMISSION:

(a) Regulatory Services Program.....	4,300,488
--------------------------------------	-----------

The above appropriation includes a transfer to the State General Fund of \$1,500,000 to be made in four equal amounts at the beginning of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Securities Commission Fund.....	2,725,488	
(2) Securities Commission Fund-Transfer to State General Fund.....	1,500,000	
(3) Industrial Revenue Bond Notification Fund.....	75,000	
Total Securities Commission.....	4,300,488	4,300,488

122. SENIOR CITIZENS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program.....	15,899
--	--------

To be expended in accordance with Sections 41-9-740 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	15,899	
Total Alabama Senior Citizens Hall of Fame.....	15,899	15,899

123. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....	133,446
---	---------

SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund.....	133,446
--	---------

REGULAR SESSION
22nd Day

2371

As provided in Section 34-30-6, Code
of Alabama 1975.

Total Alabama State Board of Social Work Examiners.....	133,446	133,446
--	---------	---------

124. SOIL AND WATER CONSERVA-
TION COMMITTEE, STATE:

(a) Water Resource Development Program.....	1,462,421
--	-----------

(b) Professional and Occupational Licensing and Regulation Program.....	5,000
---	-------

SOURCE OF FUNDS:

(1) State General Fund.....	1,276,421
-----------------------------	-----------

(2) Soil Classifiers Fund.....	5,000
--------------------------------	-------

As provided in Section 34-32-19, Code
of Alabama 1975.

(3) Departmental Receipts.....	186,000
--------------------------------	---------

Total State Soil and Water Conserva- tion Committee.....	1,276,421	191,000	1,467,421
---	-----------	---------	-----------

125. SOUTHERN GROWTH
POLICIES BOARD:

(a) Special Services Program.....	20,289
-----------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund.....	20,289
-----------------------------	--------

Total Southern Growth Policies Board.....	20,289	20,289
--	--------	--------

126. SPEECH PATHOLOGY AND
AUDIOLOGY, ALABAMA BOARD
OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program.....	70,969
---	--------

SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund.....	70,969
---	--------

As provided in Section 34-28A-44,
Code of Alabama 1975.

Total Alabama Board of Examiners for Speech Pathology and Audiology....	70,969	70,969
--	--------	--------

127. SPORTS HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program.....	139,905
---	---------

SOURCE OF FUNDS:

(1) State General Fund.....	139,905
-----------------------------	---------

Total Alabama Sports Hall of Fame.....	139,905	139,905
--	---------	---------

128. SURFACE MINING
COMMISSION, ALABAMA:

(a) Industrial Safety and Accident Prevention Program.....	5,121,163
---	-----------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	276,803
--------------------------------------	---------

(2) Surface Mining Commission-Fees. .	984,680
---------------------------------------	---------

(3) Federal and Local Funds.....	1,359,680
----------------------------------	-----------

(4) Bond Forfeiture/Reclamation Projects, Estimated.....	2,500,000
---	-----------

As provided in Section 9-16-103, Code
of Alabama 1975.

Total Alabama Surface Mining Commission.....	276,803	4,844,360	5,121,163
---	---------	-----------	-----------

129. TANNEHILL FURNACE AND
FOUNDRY COMMISSION:

(a) Historical Resources Management Program.....	386,057
---	---------

SOURCE OF FUNDS:

(1) State General Fund.....	386,057	
-----------------------------	---------	--

Total Tannehill Furnace and Foundry Commission.....	386,057	386,057
--	---------	---------

130. TENNESSEE-TOMBIGBEE
WATERWAY DEVELOPMENT
AUTHORITY:

(a) Water Resource Development Program.....	70,800
--	--------

SOURCE OF FUNDS:

(1) State General Fund.....	70,800	
-----------------------------	--------	--

Total Tennessee-Tombigbee Water- way Development Authority.....	70,800	70,800
--	--------	--------

131. TENNESSEE VALLEY EXHIBIT
COMMISSION OF ALABAMA:

(a) Promotional Development Program.....	333,243
---	---------

To be expended in accordance with
Sections 41-9-780 et seq., Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	114,979	
-----------------------------	---------	--

(2) Admissions and Concessions.....	218,264	
-------------------------------------	---------	--

Total Tennessee Valley Exhibit Commission of Alabama.....	114,979	218,264	333,243
--	---------	---------	---------

132. TOURISM AND TRAVEL, BU-
REAU OF:

(a) Tourism and Travel Promotion Program.....	7,053,720
--	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	749,042	
(2) Lodgings Tax (\$0.01)		6,304,678

Receipts collected under the
provisions of Sections 40-26-1, et
seq., Code of Alabama 1975.

Total Bureau of Tourism and Travel.....	<u>749,042</u>	<u>6,304,678</u>	<u>7,053,720</u>
---	----------------	------------------	------------------

133. TRANSPORTATION, DEPART-
MENT OF:

(a) Central Administration Program.....	24,679,606
(b) Division and District Supervision Program.....	32,012,550
(c) Operations and Support Services Program.....	12,330,152
(d) Maintenance Program.....	193,923,562
(e) Non-Programmatic Programs.....	25,744,330

Proposed spending plan for the above
(e) includes the following:

Debt Service.....	19,709,855
-------------------	------------

Equipment - Other than Automo- tive.....	5,914,475
---	-----------

Road Machinery and Equipment Purchases.....	120,000
--	---------

(f) Construction-Federal Aid Program...	497,690,226
---	-------------

Proposed spending plan for the above
(f) includes the following:

Federal Aid Matching.....	112,621,110	
Non-Participating Work on Federal Projects.....	1,000,000	
Federal Aid.....	384,069,116	
(g) Construction-State Program.....		25,500,000
(h) Operations-Land and Buildings Program.....		1,610,907
(i) Captive County Health Insurance Program.....		168,480
(j) Transfer to Department of Public Safety, in accordance with Act 91-797.....		3,500,000
(k) Transfer to Department of Public Safety.....		11,500,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	225,000	
(2) Public Road and Bridge Fund.....		429,365,697
(3) Public Road and Bridge Fund-Transfer to Department of Public Safety.....		15,000,000
(4) Federal Aid.....		384,069,116

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$19,709,855 or so much thereof as may be necessary for payment of said principal and interest at their

respective maturities, of the revenues pledged for such payment. The Director of Transportation with the consent of the Governor and the Director of Finance shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the Department of Transportation:

- (1) the appropriation made for Debt Service in Subsection (e) hereof shall be paid in full,
- (2) the appropriations from the revenues accruing to the Department of Transportation that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the Director of the Department of Transportation shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove

made there is hereby appropriated
to the Department of Transportation
all Federal Funds accruing thereto
to be expended only for the
purpose for which such funds are
made available.

Total Department of Transportation.....	<u>225,000</u>	<u>828,434,813</u>	<u>828,659,813</u>
---	----------------	--------------------	--------------------

134. TREASURER, STATE:

(a) Fiscal Management Program.....			5,558,715
------------------------------------	--	--	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	2,183,696		
-----------------------------	-----------	--	--

(2) Prepaid Affordable College Tuition Fund.....		<u>3,375,019</u>	
---	--	------------------	--

Total State Treasurer.....	<u>2,183,696</u>	<u>3,375,019</u>	<u>5,558,715</u>
----------------------------	------------------	------------------	------------------

135. UNIFORM STATE LAWS,
ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated.....			25,500
---	--	--	--------

SOURCE OF FUNDS:

(1) State General Fund.....	25,500		
-----------------------------	--------	--	--

As provided in Section 41-9-374, Code
of Alabama 1975.

Total Alabama Commission on Uniform State Laws.....	<u>25,500</u>		<u>25,500</u>
--	---------------	--	---------------

136. VETERANS' AFFAIRS, DEPART-
MENT OF:

(a) Administration of Veterans' Affairs Program.....			9,943,920
---	--	--	-----------

(b) Capital Outlay Program.....			10,000
---------------------------------	--	--	--------

SOURCE OF FUNDS:

(1) State General Fund.....	2,984,645		
(2) Veterans' Home Trust Fund-Transfer.....		6,969,275	
Total Department of Veterans' Affairs...	2,984,645	6,969,275	9,953,920

137. VETERINARY MEDICAL
EXAMINERS, ALABAMA STATE
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program.....			250,000
---	--	--	---------

SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund.....		250,000	
As provided in Section 34-29-70, Code of Alabama 1975.			
Total Alabama State Board of Veterinary Medical Examiners.....		250,000	250,000

138. VOTER REGISTRATION IDEN-
TIFICATION PROGRAM:

(a) Special Services Program.....			310,955
-----------------------------------	--	--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	304,955		
(2) Voter Registration Fund.....		6,000	
Total Voter Registration Identification Program.....	304,955	6,000	310,955

139. WOMEN'S COMMISSION,
ALABAMA:

(a) Employment and Social Opportunities Program.....			10,200
---	--	--	--------

SOURCE OF FUNDS:

REGULAR SESSION
22nd Day

2379

(1) State General Fund.....	10,200	
Total Alabama Women's Com- mission.....	10,200	10,200

140. WOMEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program.....		5,100
---	--	-------

SOURCE OF FUNDS:

(1) State General Fund.....	5,100	
Total Alabama Women's Hall of Fame.....	5,100	5,100

141. YOUTH SERVICES, DEPART-
MENT OF:

(a) Youth Services Program.....		9,873,108
---------------------------------	--	-----------

The above appropriation shall be
expended in accordance with the
provisions of Sections 44-1-1
through 44-1-56, Code of Alabama
1975.

(b) Youth Services-Boot Camp Programs.....		1,000,000
---	--	-----------

SOURCE OF FUNDS:

(1) State General Fund-Community Subsidy.....	3,229,108	
(2) State General Fund-Juvenile Probation Officers Subsidy.....	6,644,000	
(3) State General Fund-Boot Camp Program.....	1,000,000	
Total Department of Youth Services.....	10,873,108	10,873,108

The above appropriation for Communi-
ty Subsidy shall include at least
\$103,425 for those nonsecure
programs funded in fiscal year
1994-95.

2D. OTHER FUNCTIONS OF
GOVERNMENT FUNDED FROM
THE STATE GENERAL FUND:1. ARREST OF ABSCONDING
FELONS:

(a) Criminal Investigation Program, Estimated.....	60,450
---	--------

SOURCE OF FUNDS:

(1) State General Fund.....	60,450
-----------------------------	--------

As provided in Section 15-9-1 and
15-9-3, Code of Alabama 1975.

Total Arrest of Absconding Felons.....	60,450	60,450
--	--------	--------

2. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Services Program, Estimated.....	82
--	----

SOURCE OF FUNDS:

(1) State General Fund.....	82
-----------------------------	----

As provided in Section 12-22-150 and
12-22-241, Code of Alabama 1975.

Total Automatic Appeal Expense.....	82	82
-------------------------------------	----	----

3. BUSKEY MATCHING FUNDS -
PENNY TRUST FUND:

(a) Special Services Program, Estimated.....	100,000
---	---------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	100,000
--------------------------------------	---------

In accordance with Sections
41-15A-10 through 41-15A-12,
Code of Alabama 1975.

Total Buskey Matching Funds - Penny Trust Fund.....	100,000	100,000
--	---------	---------

4. COURT ASSESSED COSTS NOT
PROVIDED FOR:

(a) Special Services Program,
Estimated..... 2,500,000

As provided in Sections 22-52-14,
30-4-96, 26-17-17, 22-11A-1
through 22-11A-41, 12-15-71 and
12-21-131, Code of Alabama 1975.

(b) Legal Advice and Legal Services
Program..... 250,000

It is the intent of the Legislature that
the appropriation in this subsection
be expended for Court Costs to
include costs of depositions,
witness fees and expenses, filing
and docket fees, court reporters,
court judgments, attorneys fees,
out-of-court settlements and other
expenses ordered by the court or
normally identified as costs of court,
when any of the above is approved
by the Attorney General.

(c) Automatic Appeal Cases Expense
Program..... 40,307

The above appropriation shall be used
to reimburse reasonable expenses
incurred by attorneys representing
defendants under sentence of
death in state collateral
proceedings, such as those under
Rule 32 of the Rules of Criminal
Procedure. Provided, in no case
may any amount be paid unless the
court determines by written order in
advance that the cost is both
necessary and reasonable; in no
single case may the total amount
paid for all costs exceed \$5,000;
and in no event may any amount be
paid out of this appropriation as
fees to any attorney for services, or
to compensate any attorney for
time either as an attorney in the
proceeding or as a witness.

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	2,500,000	
(2) State General Fund.....	250,000	
(3) State General Fund-Automatic Appeal Cases.....	40,307	
Total Court Assessed Costs Not Provided For.....	<u>2,790,307</u>	<u>2,790,307</u>

5. COURT COSTS-ACT NO. 558,
1957:

(a) Court Operations Program, Estimated.....		200
---	--	-----

SOURCE OF FUNDS:

(1) State General Fund.....	200	
Pursuant to Act No. 558, 1957, Page 777.		
Total Court Costs-Act No. 558, 1957....	<u>200</u>	<u>200</u>

6. DISTRIBUTION OF PUBLIC
DOCUMENTS:

(a) Administrative Support Services Program, Estimated.....		300,000
--	--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	300,000	
As provided in Sections 36-14-1, 36-14-11, 17-22A-11 and 41-21-8, Code of Alabama 1975.		
Total Distribution of Public Docu- ments.....	<u>300,000</u>	<u>300,000</u>

7. STATE DOCKS TRANSFER:

SOURCE OF FUNDS:

(1) State General Fund..... 3,500,000

The above appropriation to the State Docks shall be conditional upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.

Total State Docks Transfer.....	<u>3,500,000</u>	<u>3,500,000</u>
---------------------------------	------------------	------------------

8. ELECTION EXPENSES:

(a) Special Services Program, Estimated.....		3,000,000
---	--	-----------

(b) Training of Election Officials.....		72,694
---	--	--------

For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund..... 3,000,000

As provided in Section 17-21-6, Code of Alabama 1975.

(2) State General Fund.....	<u>72,694</u>	
-----------------------------	---------------	--

Total Election Expenses.....	<u>3,072,694</u>	<u>3,072,694</u>
------------------------------	------------------	------------------

9. EMERGENCY FUND, DEPARTMENTAL:

(a) Special Services Program.....		3,500,000
-----------------------------------	--	-----------

SOURCE OF FUNDS:

(1) State General Fund..... 3,500,000

This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. At least 10 days prior to the release of any of this appropriation to any state department, board, commission, bureau, office or agency, the Director of Finance shall notify the Chairman of the Senate Finance and Taxation-General Fund Committee and the Chairman of the House Committee on Ways and Means of such pending transfer.

Total Departmental Emergency Fund...	3,500,000	3,500,000
--------------------------------------	-----------	-----------

10. FAIR TRIAL TAX TRANSFER:

(a) Court Operations Program, Estimated.....		5,936,081
---	--	-----------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	5,936,081	
--------------------------------------	-----------	--

Total Fair Trial Tax Transfer.....	5,936,081	5,936,081
------------------------------------	-----------	-----------

11. FEEDING OF PRISONERS:

(a) Institutional Services-Corrections Program, Estimated.....		5,000,000
---	--	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	5,000,000	
-----------------------------	-----------	--

For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.

Total Feeding of Prisoners.....	5,000,000	5,000,000
---------------------------------	-----------	-----------

12. FINANCE-CMIA:

(a) Fiscal Management Program, Estimated.....	500,000
--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	500,000
-----------------------------	---------

To implement the provisions of the
Cash Management Improvement
Act of 1990, Public Law 101-453
and the governing Federal
regulations in 31 CFR Part 205.
Any payments owed by the Depart-
ment of Transportation to the
federal government shall not be
paid from this appropriation.

Total Finance-CMIA.....	<u>500,000</u>	<u>500,000</u>
-------------------------	----------------	----------------

13. FINANCE, DEPARTMENT OF -
EMPLOYEES' SUGGESTION
AWARDS PROGRAM:

(a) Fiscal Management Program.....	8,000
------------------------------------	-------

SOURCE OF FUNDS:

(1) State General Fund.....	8,000
-----------------------------	-------

In accordance with Section 36-1-7,
Code of Alabama 1975.

Total Department of Finance - Employees' Suggestion Awards Program.....	<u>8,000</u>	<u>8,000</u>
---	--------------	--------------

14. FINANCE-FEMA, DEPARTMENT
OF:

(a) Readiness and Recovery Program, Estimated.....	1,000,000
---	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,000,000</u>
-----------------------------	------------------

Total Department of Finance-FEMA.....	<u>1,000,000</u>	<u>1,000,000</u>
---------------------------------------	------------------	------------------

The above appropriation to the Department of Finance-FEMA from the State General Fund is conditioned upon the declaration of a natural disaster area by the President of the United States and conditioned further upon the requirement by the Federal Management Agency or the U.S. Soil and Conservation Service for the State of Alabama to pay a state match for FEMA or SCS grants.

15. FOREST FIRE FUND, EMERGENCY:

(a) Forest Resources Protection and Development Program.....	180,000
--	---------

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	180,000
--------------------------------------	---------

The appropriation to the Emergency Forest Fire Fund shall be conditional as provided by Section 9-3-10.1, Code of Alabama 1975 and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.

Total Emergency Forest Fire Fund.....	<u>180,000</u>	<u>180,000</u>
---------------------------------------	----------------	----------------

16. GOVERNOR'S CONFERENCE, NATIONAL:

(a) Executive Direction Program, Estimated.....	173,602
---	---------

SOURCE OF FUNDS:

(1) State General Fund.....	<u>173,602</u>
-----------------------------	----------------

Total National Governor's Conference.....	<u>173,602</u>	<u>173,602</u>
---	----------------	----------------

17. GOVERNOR'S PROCLAMATION
EXPENSES:

(a) Executive Direction Program, Estimated.....	106,477
--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	106,477
-----------------------------	---------

As provided in Section 17-14-21, Code
of Alabama 1975.

Total Governor's Proclamation Expenses.....	106,477	106,477
--	---------	---------

18. GOVERNOR'S WIDOW
RETIREMENT:

(a) Executive Direction Program, Estimated.....	14,400
--	--------

SOURCE OF FUNDS:

(1) State General Fund.....	14,400
-----------------------------	--------

As provided in Section 36-13-12, Code
of Alabama 1975.

Total Governor's Widow Retirement.....	14,400	14,400
--	--------	--------

19. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program, Estimated.....	37,200
---	--------

SOURCE OF FUNDS:

(1) State General Fund.....	37,200
-----------------------------	--------

As provided in Sections 28-4-311 and
28-4-312, Code of Alabama 1975.

Total Law Enforcement Fund.....	37,200	37,200
---------------------------------	--------	--------

20. LAW ENFORCEMENT LEGAL
DEFENSE:

(a) Legal Advice and Legal Services Program, Estimated.....	2,000
--	-------

SOURCE OF FUNDS:

(1) State General Fund.....	2,000
-----------------------------	-------

To carry out provisions of Section
36-21-1, Code of Alabama 1975.

Total Law Enforcement Legal Defense.....	2,000	2,000
---	-------	-------

21. MILITARY - EMERGENCY
ACTIVE DUTY PAY:

(a) Military Operations Program, Estimated.....	175,000
--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	175,000
-----------------------------	---------

As provided in Section 31-2-133, Code
of Alabama 1975.

Total Military - Emergency Active Duty Pay.....	175,000	175,000
--	---------	---------

22. PRINTING OF CODE
SUPPLEMENTS - LEGISLATIVE
REFERENCE SERVICE:

(a) Legislative Operations and Support Program, Estimated.....	364,880
---	---------

SOURCE OF FUNDS:

(1) State General Fund.....	364,880
-----------------------------	---------

As provided in Section 29-7-6, Code of
Alabama 1975.

Total Printing of Code Supplements - Legislative Reference Service.....	364,880	364,880
--	---------	---------

23. PRINTING CODES AND
SUPPLEMENTS - SECRETARY
OF STATE:

(a) Administrative Support Services Program, Estimated.....	146,317
--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	146,317
-----------------------------	---------

As provided in Sections 41-21-1
through 41-21-8 and 41-4-154,
Code of Alabama 1975.

Total Printing Codes and Supplements - Secretary of State.....	146,317	146,317
---	---------	---------

24. PRINTING OF LEGISLATIVE
ACTS AND JOURNALS:

(a) Administrative Support Services Program, Estimated.....	443,385
--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	443,385
-----------------------------	---------

As provided in Sections 41-4-130
through 41-4-161, Code of
Alabama 1975.

Total Printing of Legislative Acts and Journals.....	443,385	443,385
---	---------	---------

25. REGISTRATION OF VOTERS:

(a) Special Services Program, Estimated.....	2,500,000
---	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	2,500,000
-----------------------------	-----------

In accordance with Sections 17-4-126
and 17-4-153, Code of Alabama
1975.

Total Registration of Voters.....	2,500,000	2,500,000
-----------------------------------	-----------	-----------

26. REMOVAL OF PRISONERS:

(a) Administrative Services and Logistical Support Program, Estimated.....	400,000
--	---------

SOURCE OF FUNDS:

(1) State General Fund.....	400,000
-----------------------------	---------

As provided in Sections 15-10-70
through 15-10-73, 15-9-62, 15-9-65
and 15-9-81, Code of Alabama
1975.

Total Removal of Prisoners.....	400,000	400,000
---------------------------------	---------	---------

27. STATE GENERAL FUND, ESTIMATED:.....	52,000,000
--	------------

SOURCE OF FUNDS:

(1) Heritage Trust Income Fund Transfer, Estimated.....	52,000,000
--	------------

All income other than income realized
on the sale of Trust Fund assets
and not otherwise appropriated
herein.

Total State General Fund, Estimated...	52,000,000	52,000,000
--	------------	------------

2E. DEBT SERVICE FUNDED FROM
THE STATE GENERAL FUND:

1. General Obligation Capital Improve- ment Bonds, Series B, Estimated....	1,380,000
---	-----------

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,380,000
--	-----------

Total General Obligation Capital Improvement Bonds, Series B, Estimated.....	1,380,000	1,380,000
--	-----------	-----------

2. General Obligation Waterway Refunding Bonds, Series 1992, Estimated.....	2,991,485
---	-----------

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	2,991,485	
Total General Obligation Waterway Refunding Bonds, Series 1992, Estimated.....	2,991,485	2,991,485
3. Music Hall of Fame Bonds, Estimated.....		346,650

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	346,650	
Pursuant to Constitutional Amendment No. 489 as provided in Act 88-549, 1988 Regular Session.		
Total Music Hall of Fame Bonds, Estimated.....	346,650	346,650
4. Corrections Institutions Bonds, Estimated.....		1,330,000

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,330,000	
Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.		
Total Corrections Institutions Bonds, Estimated.....	1,330,000	1,330,000
5. General Obligation Capital Bonds, 1990 Series, Estimated.....		1,924,360

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,924,360	
Pursuant to Constitutional Amendment No. 510 as provided for in Act 89-799, 1989 Regular Session.		
Total General Obligation Capital Bonds, 1990 Series, Estimated.....	1,924,360	1,924,360

6. General Obligation Refunding
Bonds, 1992, Series A and B,
Estimated.....

56,947,648

SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 56,947,648

Total General Obligation Refunding
Bonds, 1992, Series A and B,
Estimated.....

56,947,648

56,947,648

SECTION 3. In addition to the appropriations from the General Fund to the entities in this Act, there is hereby appropriated the following amounts from the General Fund to the following entities to be conditioned upon the availability of funds in the General Fund and the approval of the Governor:

A. Forestry.....\$ 2,000,000

B. Attorney General.....\$ 500,000

C. Medicaid.....\$20,000,000

The above conditional appropriation to Medicaid is the first priority conditional and shall be released in full before any other conditional appropriation from the General Fund may be released.

SECTION 4. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 5. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 6. In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 7. All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 8. All encumbered balances of a previous fiscal year appropriation, other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

SECTION 9. The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in this Act. All agencies enumerated in this Act and receiving services from other governmental agencies enumerated in this Act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 10. (a) Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education, the Department of Transportation, postsecondary institutions of education and the legislative branch of government) shall not be expended for the purchase or lease of automotive vehicles. Notwithstanding the foregoing, the Department of Public Safety may purchase automotive vehicles to be used for direct law enforcement purposes only. The Department of Public Safety may not

transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that department nor shall vehicles be transferred to be used for any other purpose in that department nor transferred to any other state agency. A state agency may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-General Fund. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-General Fund prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this Act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

SECTION 11. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 12. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 13. Each agency of the State funded through the provisions of this Act shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 14. This Act shall become effective October 1, 1995.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Fuller was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan,

Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-89

AMENDMENT OFFERED

Representative Kennedy offered the following amendment to the bill, H. 234, as amended:

Amend House Bill 234 as substituted on page 9, after line 3 by adding the following language: "Of the above appropriation, \$40,000 shall be transferred to the Alabama Gerontological Society to be earmarked for use by the Silver Haired Legislature."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 10.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Collins, Crigler, Curry, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Pringle, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren and White.

-74

Nay:

Representatives Carns, Dean, Hamilton, Haney, Hill, Knight (A), McKee, Parker (P), Sanderford and Sanderson.

-10

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hawk inadvertently voted "Nay" and intended to vote "Yea" on the motion offered by Representative Carothers to adopt the Budget Isolation Resolution relating to the bill, H. 855.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 293. HONORING REVEREND D. R. SCARBER FOR MANY YEARS OF OUTSTANDING SERVICE.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 278. COMMENDING LEE PAGE OF MARION COUNTY, ALABAMA, FOR EXTRAORDINARY HEROISM.

Also:

H.J.R. 279. COMMENDING THE FRANKLIN COUNTY BOARD OF EDUCATION ON ITS NEW MOBILE HEALTH CLINIC.

Also:

H.J.R. 280. COMMENDING TERRY EZZELL OF BELGREEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 287. COMMENDING DR. VICTOR B. FICKER, PRESIDENT OF GADSDEN STATE COMMUNITY COLLEGE.

Also:

H.J.R. 291. CONGRATULATING REPRESENTATIVE AND MRS. THOMAS E. HOGAN ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 28. Relating to Crenshaw County; amending Sections 1 and 2 of Act No. 775, S. 158, 1975 Regular Session (Acts 1975, p. 1563), as amended by Act No. 81-1106, 1981 Special Session (Acts 1981 Special Session, p. 369), providing for the issuance fee and distribution of the fee for pistol permits issued by the sheriff, to increase the fee and provide further for the distribution of the fee.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

H. 234 RESUMED

AMENDMENT OFFERED

Representative Johnson (R) offered the following amendment #1 to the bill, H. 234, as amended:

Amend H. 234 on page 49 after line 25 by inserting the following language: "Of the above appropriation of \$143,193,195, \$100,000 is hereby appropriated to the Alabama Child Caring Foundation."

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-89

AMENDMENT OFFERED

Representative Johnson (R) offered the following amendment #2 to the bill, H. 234, as amended:

Amend H. 234, as substituted, on page 61, by adding the following language at the bottom of the page: "In addition to the appropriation herein made from the State General Fund, there is hereby appropriated to the Department of Public Safety all funds accruing thereto from Section 40-12-274 and Section 32-6-5, Code of Alabama 1975 to be used by the Department of Public Safety for the cost of traffic regulation, and the expense of enforcing state traffic and motor vehicle laws."

AMENDMENT TABLED

On motion of Representative Fuller, the amendment #2 offered by Representative Johnson (R) to the bill, H. 234, was tabled.

Yeas 78; Nays 7.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes,

Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-78

Nay:

Representatives Carothers, Johnson (R), McKee, Millican, Page, Payne and White.

- 7

AMENDMENT OFFERED

Representative Layson offered the following amendment to the bill, H. 234, as amended:

Amend on page 70 on lines 24, 26, 28 by striking the figure "70,800" and inserting in lieu thereof the figure "83,300".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

-93

AMENDMENT OFFERED

Representative Knight (J) offered the following amendment to the bill, H. 234, as amended:

Amend House Bill 234 on page 28, line 25 after the word "administration" by adding the following: "and \$80,000 shall be allocated to the Food Assistance Program through the Community Action Agencies of Montgomery and Elmore counties"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-97

AMENDMENT OFFERED

Representative Robinson offered the following amendment to the bill, H. 234, as amended:

To amend H. 234 as Substituted on page 68 after line 31 by adding the following: "Of the above appropriation to the Water Resource Development Program, \$46,500 shall be allocated to the Sand Mountain-Lake Guntersville Watershed Conservancy District."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, White, Willis and Wren.

-89

And the bill:

H. 234. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 102; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-102

Nay:

Representatives McKee and Parker (P).

- 2

MOTION TO RECONSIDER OFFERED

Having voted on the prevailing side, Representative Thomas (J) offered the motion to reconsider the vote by which the Budget Isolation Resolution relating to the bill, H. 855, was lost.

MOTION TO TABLE LOST

The motion offered by Representative Gaines to table the motion offered by Representative Thomas (J) to reconsider the vote by which the Budget Isolation Resolution relating to the bill, H. 855, was lost, was lost.

Yeas 25; Nays 66.

Yea:

Representatives Black (M), Box, Buskey, Carns, Curry, Dukes, Gaines, Haney, Hawkins, Holmes, McDaniel, McKee, McMillan, Mitchell, Morrison, Papucci, Payne, Petelos, Sanderford, Thomas (D), Townsend, Warren, White, Willis and Wren.

-25

Nay:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Burke, Carothers, Carter, Clark (W), Clouse, Dean, Drake, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, Melton, Millican, Minnifield, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Penry, Robinson, Rogers (J), Rogers (M), Seibenhener, Smith, Spratt, Starkey, Thomas (J), Turner, Turnham and Venable.

-66

MOTION TO RECONSIDER ADOPTED

The question was then on the motion offered by Representative Thomas (J) to reconsider the vote by which the Budget Isolation Resolution relating to the bill, H. 855, was lost, and the motion to reconsider was adopted.

And the Budget Isolation Resolution relating to the bill, H. 855, was again taken up.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Carothers offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 855.

MOTION TO CARRY OVER TABLED

On motion of Representative Carothers, the motion offered by Representative Carns to carry over the bill, H. 855, and the pending Budget Isolation Resolution to the twenty-fourth legislative day, was tabled.

Yeas 60; Nays 28.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Burke, Carothers, Carter, Clark (W), Clouse, Dean, Drake, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, Melton, Millican, Minnifield, Morrow, Morton, Newton (D), Parker (P), Parker (T), Penry, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (J), Turner and Turnham.

-60

Nay:

Representatives Black (M), Box, Buskey, Carns, Collins, Curry, Dukes, Gaines, Haney, Hawkins, Johnson (R), McDaniel, McKee, McMillan, Moore, Morrison, Page, Papucci, Payne, Petelos, Sanderford, Sims, Thomas (D), Townsend, Warren, White, Willis and Wren.

-28

MOTION TO CARRY OVER TABLED

On motion of Representative Carothers, the motion offered by Representative Payne to carry over the bill, H. 855, and the pending Budget Isolation Resolution to the twenty-fifth legislative day, was tabled.

Yeas 57; Nays 34.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Burke, Carothers, Clark (W), Clouse, Collins, Dean, Drake, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, McAdory, Melton, Minnifield, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Robinson, Rogers (J), Rogers (M), Spratt, Starkey, Thomas (J), Turner, Turnham and Venable.

-57

Nay:

Representatives Black (M), Box, Buskey, Carns, Curry, Dolbare, Dukes, Gaines, Hamilton, Haney, Hawkins, Houston, Johnson (R), Laird, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Page, Papucci, Payne, Petelos, Pringle, Sanderford, Sims, Smith, Thomas (D), Townsend, Warren, White, Willis and Wren.

-34

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Carothers to adopt the Budget Isolation Resolution relating to the bill, H. 855, and the Budget Isolation Resolution was adopted.

Yeas 63; Nays 30.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Burke, Carothers, Carter, Clark (W), Clouse, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, Melton, Millican, Minnifield, Morrow, Morton, Newton (C), Newton (D), Page, Parker (T), Penry, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Venable and Willis.

-63

Nay:

Representatives Black (M), Box, Buskey, Carns, Collins, Curry, Dukes, Gaines, Haney, Hawkins, Holmes, Houston, Johnson (R), McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Papucci, Parker (P), Payne, Petelos, Sanderford, Sanderson, Thomas (D), Townsend, Warren, White and Wren.

-30

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 278. COMMENDING LEE PAGE OF MARION COUNTY, ALABAMA, FOR EXTRAORDINARY HEROISM.

Also:

H.J.R. 279. COMMENDING THE FRANKLIN COUNTY BOARD OF EDUCATION ON ITS NEW MOBILE HEALTH CLINIC.

Also:

H.J.R. 280. COMMENDING TERRY EZZELL OF BELGREEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 287. COMMENDING DR. VICTOR B. FICKER, PRESIDENT OF GADSDEN STATE COMMUNITY COLLEGE.

Also:

H.J.R. 291. CONGRATULATING REPRESENTATIVE AND MRS. THOMAS E. HOGAN ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY.

Also:

H.J.R. 293. HONORING REVEREND D. R. SCARBER FOR MANY YEARS OF OUTSTANDING SERVICE.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 872. To authorize the incorporation of Alabama Incentives Financing Authority; to provide for its governance and to confer upon it certain powers; to grant to the authority the power to issue or guarantee not exceeding \$150,000,000 principal amount bonds for the purpose of financing industrial and research facilities and training facilities and paying management fees referable to any such training facilities; to appropriate to the authority for payment of debt service on debt obligations of the authority and related ongoing financing costs and other obligations of the authority so much as may be necessary of the revenues retained by the state from the in-lieu-of-taxes payments made by The Tennessee Valley Authority; to authorize the pledge by the authority of the funds so appropriated and certain other funds available to the authority for payment of its obligations; to provide for the manner of ownership, operation, leasing, and disposition of facilities directly or indirectly financed by the authority; to provide for the manner of issuing and securing its obligations and providing for the incontestability thereof under certain conditions; to grant tax exemptions respecting the bonds of the authority, the interest thereon, and the authority's property and operations and other exemptions; to exempt the authority from the jurisdiction of certain state agencies and from competitive bid laws; and to provide for the dissolution of the authority.

TOMMY CARTER
Chairman

And the bill, H. 872, as engrossed, was ordered sent to the Senate.

H. 855 TAKEN UP

And the bill:

H. 855. (With Amendment): To prohibit the sale of cigarettes at below cost with intent to injure competitors or destroy or substantially lessen competition among cigarette sellers; to provide penalties for violations; to repeal Section 40-25-5, Code of Alabama 1975; to distribute the revenue generated by the repeal of the discount; and to provide for enforcement by the Commissioner of the Alabama Department of Revenue.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 855 on Page 8, line 6, after cigarette, insert a comma and add "from the distributor or wholesaler."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrow, Morton, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-79

Nay:

Representatives Jorgensen and Morrison.

- 2

AMENDMENT OFFERED

Representative Sanderson offered the following amendment to the bill, H. 855, as amended:

On page 7, line 16, after the word "retailer", insert a period and delete the remaining language of subdivision (1).

On page 7, line 19, after the word "distributor", insert a period and delete the remaining language of subdivision (2).

On page 7, line 24, after the word "wholesaler", insert a period and delete the remaining language of subdivision (3).

AMENDMENT TABLED

On motion of Representative Carothers, the amendment offered by Representative Sanderson to the bill, H. 855, as amended, was tabled.

Yeas 54; Nays 25.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Burke, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Flowers, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hammett, Hawk, Hill, Hilliard, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Penry, Robinson, Rogers (M), Smith, Spratt, Thomas (J), Turner, Turnham, Venable, Warren and White.

-54

Nay:

Representatives Bandy, Black (M), Box, Buskey, Carns, Curry, Dolbare, Dukes, Gaines, Haney, Hawkins, McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Papucci, Payne, Petelos, Sanderford, Sanderson, Sims, Thomas (D) and Townsend.

-25

MOTION TO INDEFINITELY POSTPONE OFFERED

Representative Thomas (D) offered a motion to indefinitely postpone the bill, H. 855, as amended.

MOTION IN WRITING OFFERED

Representative White offered the following Motion in Writing relating to the bill, H. 855, as amended:

Mr. Speaker:

"I move the previous question."

MOTION IN WRITING LOST

And the Motion in Writing was lost.

Yeas 37; Nays 46.

Yea:

Representatives Allen, Baker, Burke, Carothers, Carter, Clouse, Dean, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Hall (A), Hammett, Hawk, Hayden, Hill, Hinshaw, Hooper, Jackson, Johnson (E), Laird, Layson, Letson, Lindsey, Maull, Minnifield, Newton (D), Parker (T), Penry, Perdue, Rogers (M), Spratt, Turner, Turnham and White.

-37

Nay:

Representatives Bandy, Black (L), Black (M), Box, Buskey, Carns, Collins, Curry, Dolbare, Dukes, Gaines, Guin, Hall (L), Hamilton, Haney, Hawkins, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), McAdory, McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Morrow, Papucci, Parker (P), Payne, Petelos, Pringle, Rogers (J), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Venable, Warren, Willis and Wren.

-46

The question was then on the motion offered by Representative Thomas (D) to indefinitely postpone the bill, H. 855, as amended.

MOTION IN WRITING OFFERED

Representative Turner offered the following Motion in Writing relating to the bill, H. 855, as amended:

I move the previous question.

MOTION IN WRITING LOST

And the Motion in Writing was lost, lacking a three-fifths vote.

Yeas 45; Nays 39.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carothers, Carter, Clouse, Dean, Drake, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hawk, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Jorgensen, Laird, Layson, Letson, Lindsey, Melton, Millican, Morrow, Morton, Murphree, Newton (D), Page, Parker (T), Penry, Pringle, Robinson, Rogers (M), Spratt and Turner.

-45

Nay:

Representatives Bandy, Black (L), Black (M), Box, Buskey, Carns, Curry, Dolbare, Dukes, Gaines, Hall (L), Haney, Hawkins, Hilliard, Houston, Johnson (R), Kennedy, Knight (A), McAdory, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Newton (C), Papucci, Parker (P), Payne, Perdue, Petelos, Sanderford, Sims, Smith, Starkey, Townsend, Warren, Willis and Wren.

-39

The question was then on the motion offered by Representative Thomas (D) to indefinitely postpone the bill, H. 855, as amended.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Page, the rules were suspended in order to receive the call of Districts for the Introduction of Bills.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Hogan:

H. 887. To make an appropriation of \$50,000 from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Thomas (D) and Galliher (With Notice and Proof):

H. 888. To alter and rearrange the boundary lines and corporate limits of the municipality of Argo in St. Clair County to remove certain property from the corporate limits of the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 888, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Thomas (D) and Galliher (With Notice and Proof):

H. 889. To alter and rearrange the boundary lines and corporate limits of the municipality of Argo in St. Clair County to remove certain property from the corporate limits of the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 889, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Collins (With Notice and Proof):

H. 890. Relating to Lamar County; fixing the fee for the issuance of pistol permits in Lamar County and providing for the deposit of such fees in a fund known as the Sheriff's Pistol Permit Fund and providing for the use of the fund and an effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 890, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Ford:

H. 891. Relating to law enforcement officers; providing for certain rights and privileges of law enforcement officers; providing for the receipt and processing of complaints; providing for enforcement of this act; and providing for certain civil suits by law enforcement officers.

COMMITTEE ON JUDICIARY

By Representative Thomas (J) (With Notice and Proof):

H. 892. To alter, rearrange, and extend the boundary lines of the Town of Pine Hill in Wilcox County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 892, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Morrison, Jorgensen, Fuller, Papucci, Murphree, Page, and Carter:

H. 893. To amend Section 36-30-20 of the Code of Alabama 1975, which defines the term "state trooper" for compensation for death or disability from occupational diseases, to include deputy sheriffs within the definition.

COMMITTEE ON STATE ADMINISTRATION

By Representative Rogers (M) (With Notice and Proof):

H. 894. Relating to Calhoun County; to provide further for the powers of the Calhoun County Commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 894, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dolbare (With Notice and Proof):

H. 895. To alter and rearrange the police jurisdiction of the municipality of Jackson in Clarke County to remove certain property from the police jurisdiction of the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 895, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Jorgensen, Laird, Carns, Sanderson, Carter, Hammett, Clouse, Moore, Seibenhener, Baker, Knight (J), Sims, Guin, Hogan, Dean, Gaston, Galliher, Gaines, Thomas (D), Haney, Hinshaw, Papucci, Sanderford, Burke, Townsend, Page, Hawkins, Black (M), Letson, Gipson, Petelos, Curry, Ford, Morrow, Kennedy, Pringle, McMillan, Jackson, Willis, and Graham:

H. 896. To provide requirements for a drug-free workplace program which enables an employer in the program to qualify for a premium discount on Workers' Compensation insurance; to provide for substance abuse testing procedures relating to the program; to provide for Employee Assistance Programs; to provide for confidentiality of certain information; and to provide for the Department of Industrial Relations to perform certain administrative duties related to the program.

COMMITTEE ON BUSINESS AND LABOR

By Representative Morrison:

H. 897. Providing that certain members of state retirement systems shall have the option of receiving payment for a certain amount of unused sick leave at retirement or converting a certain amount of unused sick leave into membership service for retirement purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Morrison:

H. 898. To provide standards to ensure that contaminated blood or blood products are not sold in the state.

COMMITTEE ON HEALTH

By Representative Newton (D):

H. 899. To amend Section 41-23-21 of the Code of Alabama 1975; to provide for definitions used in the "Alabama Enterprise Zone Act"; to provide for distressed companies to collect job development fees from certain employees; to provide for disposition of the proceeds from the fees; and to provide for certain agreements between municipalities in which facilities of distressed companies are located and the companies relating to disposition of the proceeds from the fees.

COMMITTEE ON BUSINESS AND LABOR

By Representatives McDaniel, Dukes, Hooper, and Sanderford:

H. 900. To provide that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, it is unlawful for any truck tractor with or without a trailer to operate in any lane other than the most right-hand lane, except when the truck tractor is preparing for a left turn or passing a vehicle; and to prescribe criminal penalties.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Hooper, Laird, Layson, Flowers, Dean, Knight (J), McClammy, Guin, Hogan, McKee, Sims, Willis, Lindsey, Vance, Dolbare, Jackson, Black (L), Hayden, McMillan, Penry, Curry, Newton (D), Rogers (J), Sanderford, Ford, Page, Gipson, Rogers (M), Morton, Knight (A), Thomas (D), McDaniel, Dukes, Graham, Haney, Minnifield, Hawk, Townsend, Papucci, Houston, McAdory, Johnson (E), Starkey, Morrow, Jorgensen, Galliher, Hall (L), Robinson, Hall (A), Black (M), Letson, Murphree, Fuller, and Wren:

H. 901. To amend Sections 36-25-7 and 36-25-14 of the Code of Alabama 1975, as amended by Act No. 95-194, H. 135 of the 1995 Regular Session,

relating to the State Ethics Law; to remove the requirement that a thing of value be offered, given, solicited, or received for the purpose of influencing official action to be a violation of the State Ethics Law; to remove the exemption of coaches of athletic teams of four-year institutions of higher education from filing the statement of economic interests; and to provide an effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Allen and Hayden:

H. 902. To exempt West Alabama Youth Services, Inc., (WAYS) from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 903. To amend Section 41-5-6, Code of Alabama 1975, to require an examination and audit of certain books, accounts, and records of the Department of Examiners of Public Accounts; and to provide that all laws applicable to audits by the department of other state agencies shall also apply to the audits of the Department of Examiners of Public Accounts.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Gaines, Thomas (D), Curry, Townsend, Carns, Haney, Dean, Gaston, Crigler, Wren, McMillan, Sanderson, Hawkins, Moore, Seibenhener, Parker (T), Papucci, Hinshaw, Morton, Rogers (M), Gipson, Layson, McKee, Sanderford, Morrison, McDaniel, Hill, Clouse, and Knight (A):

H. 904. To establish the Fair Employment Act of Alabama; and to provide for nondiscrimination in public employment, contracts, and programs.

COMMITTEE ON BUSINESS AND LABOR

By Representative Rogers (J):

H. 905. To allow the transportation of certain machines which, based on the skill of the player, provide a reward not to exceed a certain number of free replays, a certain dollar amount for the prizes given, and provide certain items as prizes; and provide for penalties.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representatives Box, Buskey, Mitchell, Dean, Gaston, Pringle, Crigler, Turner, Kennedy, and Clark (W) (With Notice and Proof):

H. 906. To amend Section 8 of Act No. 970, S. 378 of the 1961 Regular Session (Acts 1961, p. 1545), as amended by Act No. 92-395, H. 736 of the 1992 Regular Session (Acts 1992, p. 815), relating to Mobile County and the fees for registration of motor vehicles by mail, to provide further for motor vehicles registered by mail by persons 65 years of age or older, and for an effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 906, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McDaniel, Venable, and Hammett:

H. 907. To add Section 40-18-31.1 to the Code of Alabama 1975, to provide a limited one-time election to foreign corporations commercially domiciled outside of Alabama, to confirm as proper their classification of dividends from subsidiaries not doing business in Alabama as nonbusiness income and therefore taxable by the state of their commercial domicile; and to provide an effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representative Rogers (M) (With Notice and Proof):

H. 908. Relating to the City of Anniston in Calhoun County; to provide for the restructuring of the Water Works and Sewer Board of the City of Anniston; and to increase the membership.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 908, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (M):

H. 909. To amend Section 11-50-313 of the Code of Alabama 1975, to allow the restructuring and appointment of members of the waterworks and sewer board pursuant to local legislation.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Sanderson:

H. 910. To establish a Child Care Commission with certain responsibilities for planning, coordinating, reviewing, and making recommendations for enhancing the quality of child care in Alabama.

COMMITTEE ON HEALTH

By Representative Venable:

H. 911. To amend Section 11-98-5 of the Code of Alabama 1975, relating to emergency telephone service charges, to provide further for the increase in emergency telephone service rates upon recommendation of the board of commissioners to the creating authority, notice and a hearing in the service area, and approval by the creating authority; and to provide for the maximum increase in any year.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Layson (With Notice and Proof):

H. 912. Relating to Pickens County; to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act; to provide misdemeanor penalties; and to repeal all laws or parts of laws which conflict with this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 912, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Fuller:

H. 913. To make an appropriation of \$125,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Hogan and Guin (With Notice and Proof):

H. 914. Relating to the Fourteenth Judicial Circuit; to provide for funding for the Office of the District Attorney by the Walker County Commission; to provide a

method for determining amounts; and to provide factors to be used in determining the adequacy of the amount.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 914, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Knight (J), Hooper, McClammy, McKee, Wren, and Holmes
(With Notice and Proof):

H. 915. Relating to Montgomery County, requiring all beer of a specific brand, prior to distribution to retail licensees in the county, to be stored in a warehouse in the county and be available for inspection by the Alcoholic Beverage Control Board; and providing certain civil remedies.

COMMITTEE ON LOCAL LEGISLATION NO. 5

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 915, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

MOTION TO ADJOURN LOST

The motion offered by Representative Sanderford that the House adjourn until 9:00 o'clock a.m., Thursday, June 29, 1995, was lost.

Yeas 35; Nays 46.

Yea:

Representatives Bandy, Black (M), Box, Buskey, Curry, Dolbare, Drake, Gaines, Hamilton, Haney, Hawkins, Hilliard, Holmes, Houston, Johnson (R), Jorgensen, Knight (J), Maull, McAdory, McClammy, McKee, McMillan, Mitchell, Moore, Papucci, Payne, Petelos, Rogers (J), Seibenhener, Sims, Smith, Thomas (D), Townsend, White and Wren.

-35

Nay:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Carothers, Carter, Clouse, Collins, Dean, Ford, Fuller, Galliher, Gipson, Guin, Hall (A), Hammett, Hawk, Hill,

Hogan, Hooper, Johnson (E), Kennedy, Knight (A), Letson, Lindsey, McDaniel, Melton, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Pringle, Robinson, Rogers (M), Spratt, Starkey, Turner, Turnham, Vance, Venable and Warren.

-46

H. 855 RESUMED

The question was then on the motion offered by Representative Thomas (D) to indefinitely postpone the bill, H. 855, as amended.

MOTION IN WRITING OFFERED

Representative Ford offered the following Motion in Writing relating to the bill, H. 855, as amended:

I move the previous question.

MOTION IN WRITING LOST

And the Motion in Writing was lost, lacking a three-fifths votes.

Yeas 45; Nays 40.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Boyd, Burke, Carothers, Carter, Clouse, Drake, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hooper, Jackson, Johnson (E), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, Millican, Morrow, Murphree, Newton (C), Newton (D), Page, Parker (T), Penry, Reed, Spratt, Starkey, Turner and Vance.

-45

Nay:

Representatives Black (L), Black (M), Box, Buskey, Carns, Collins, Curry, Dolbare, Dukes, Gaines, Haney, Hawkins, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), McClammy, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Papucci, Parker (P), Payne, Perdue, Petelos, Sanderford, Sims, Smith, Thomas (D), Townsend, Warren, White and Wren.

-40

H. 855 TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the bill, H. 855, as amended, and the pending motion offered by Representative Thomas (D) to indefinitely postpone were temporarily carried over at the request of Representative Carothers.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Kennedy, Buskey, Clark (W), Mitchell and Gaston:

H.R. 307. MOURNING THE DEATH OF MR. GEORGE ALVIN DICKINSON, JR., OF MOBILE, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 482. To amend Sections 40-10-1, 40-10-2, 40-10-9, 40-10-10, and 40-10-18 of the Code of Alabama 1975, relating to the sales of lands for uncollected taxes on the lands; to provide for tax lien sales and to prescribe procedures relating to tax lien sales; to provide for counties to issue tax lien certificates for certain fees on the lands which have been sold at certain sales to individuals; to prescribe the significance of and authority associated with a tax lien certificate; to provide for payment of taxes on lands purchased at tax lien sales by holders of tax lien certificates; to provide for distribution of monies received from tax lien sales; and to provide for certain redemption procedures.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Ghee, Mitchell, and Roberts.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Venable, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 482.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren and White.

-89

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Newton (D), Clouse and Hammett on the disagreement of the two Houses on the House amendment to the bill, S. 482.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 466. To establish an accountability plan which shall be overseen by the state board of education; to require the use of the nationally normed test to assess student achievement; to require the development of a core curriculum to be offered at all grade levels; provide for the development of a character education program by the state and local boards of education; to develop an assistance program for individual students who are scoring one or more grade levels below the national norm; to assist schools that have a majority of students scoring one or more grade levels below the national norm; to establish a program of self-help and state intervention; to assist local boards of education who have a majority of their schools in which a majority of their students are scoring at one grade level or more below the national norms. This bill provides for state intervention of a school or a local board of education based on below average student achievement or financial instability; to provide for financial accountability in allocation of funds to schools, to require local budgets and financial statements that are cost centered, program and fund based; to provide for a method of intervention and a method of release

from state intervention; to provide for participation in the foundation program funding and to establish requirements for participation in the foundation program; to establish certain requirements for the development of school budgets and to provide that school allocations shall be budgeted and expended at the classroom level; to require the state superintendent of education to develop a plan to reduce the paperwork required to be completed by classroom teachers.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turner, the House concurred in and adopted the Senate amendment to the bill, H. 466, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To establish an accountability plan which shall be overseen by the State Board of Education; to require the use of the nationally normed test to assess student achievement; to require the development of a core curriculum to be offered at all grade levels; to provide for the development of a character education program by the state and local boards of education; to develop an assistance program for individual students who are scoring one or more grade levels below the national norm; to assist schools that have a majority of students scoring one or more grade levels below the national norm; to establish a program of self-help and state intervention; to provide for school safety and discipline accountability; to assist local boards of education who have a majority of their schools in which a majority of their students are scoring at one grade level or more below the national norms; to provide for state intervention of a school or a local board of education based on below average student achievement or financial instability; to provide for financial accountability in allocation of funds to schools, to require local budgets and financial statements that are cost centered, program and fund based; to provide for a method of intervention and a method of release from state intervention; to provide for participation in the foundation program funding and to establish requirements for participation in the foundation program; to require accountability reports to the public; to establish certain requirements for the development of school budgets and to provide that school allocations shall be budgeted and expended at the classroom level; to restrict the use of funds allocated for salaries; to require the State Superintendent of Education to develop a plan to reduce the paperwork required to be completed by classroom teachers; and to repeal certain sections of the Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. STUDENT ACHIEVEMENT.

The Legislature finds that the people of Alabama desire two basic things from their public schools: (1) high achievement for students (2) a safe and orderly environment in which to learn. The Legislature encourages the State Board of Education to assist local boards of education in the development of a strong disciplinary policy and directs the State Board of Education to develop a program to closely monitor student achievement. The State Board of Education shall require implementation of a nationally normed test to assist in the assessment of student achievement in grades three through eleven by using such instruments as the Stanford Achievement Test, the California Achievement Test or other nationally normed tests and shall further require such other tests and assessments as it may deem necessary. There is no legislative intent to interfere with the provisions of Section 16-3-18.3 of the Code of Alabama 1975, and it is the intent of the Legislature that the development of the total assessment program for student performance, exclusive of the requirements of student performance herein, shall be the function of the State Board of Education. The State Board of Education is instructed to develop courses of study to provide Alabama students with the content and information to enter the workforce, to compete nationally and internationally with other students, and/or to successfully compete at the postsecondary level. This shall include the content necessary to successfully achieve on nationally normed tests and any other tests that may be required by the State Board of Education.

Section 2. CORE CURRICULUM.

Every Alabama student must be given instruction in grades kindergarten through twelve to prepare him or her to enter the world of work and/or to complete course work at the postsecondary level. In addition to a comprehensive core curriculum of academics each local board of education shall offer a program of vocational/technical education.

(a) The following words and phrases used in this section shall, in the absence of a clear implication otherwise, be given the following respective interpretations:

(1) "Required courses" means courses which are required to be taken by every student enrolled in public schools in the state of Alabama.

(2) "Elective courses" means courses which are neither mandatory nor required to be taken by any student enrolled in public schools in the state of Alabama.

(b) The legislature finds that students must become more literate in the basic skills needed to earn a living or to continue their education. The legislature further finds that the English language is a common bond that holds our society together. It is necessary that the State Board of Education adopt curriculum policies to ensure that Alabama students have a command of the spoken and written English

language. The legislature further finds that in Alabama schools, students earning a standard high school diploma are only required to earn two credits of mathematics after they enter the ninth grade prior to graduation. The legislature further finds that special attention must be given to the Alabama courses of study. The State Board of Education shall establish a rigorous and meaningful core curriculum including but not limited to the following courses for grades nine through twelve in public schools to be phased in beginning with students entering ninth grade in the 1996-97 scholastic year:

(1) Four years (equivalent of four credit units) of English;

(2) Four years (equivalent of four credit units) of mathematics, including but not limited to material designed to ensure that no high school student fails to learn basic mathematical skills and computer literacy;

(3) Four years (equivalent of four credit units) of science; and

(4) Four years (equivalent of four credit units) of social studies with an emphasis on history, music history, fine arts history, geography, economics and political science. History courses shall include material on the history of the United States and the Constitution of the United States. The legislature further requires that the curriculum content of American history shall include the teaching of important historical documents including the Constitution of the United States, The Declaration of Independence, The Emancipation Proclamation, The Federalist Papers, and other such documents important to the history and heritage of the United States.

(c) It is the intent of the legislature that credit for required basic core academic courses may be earned in conjunction with vocational courses and/or programs. It is the intent of the legislature that local boards of education offer and schedule students into vocational programs.

(d) It is the intent of the legislature that, in addition to the required courses, elective courses including but not limited to foreign languages, fine arts, physical education, vocational and technical preparation, be available to all students as determined by the local board of education. Nothing in this Act shall be construed to diminish the current requirements of the State Board of Education with respect to Health and Physical Education instruction in grades K-12 or to reduce the effect of Section 16-40-1, Code of Alabama, 1975, regarding Health and Physical Education.

(e) The State Board of Education shall adopt necessary policies, procedures, rules, regulations and standards to require that:

(1) The required courses set forth in this section must be taken by every student enrolled in grades nine through twelve of public schools to be phased in beginning with students entering the ninth grade in the 1996-97 scholastic year. The State Superintendent of Education after a hearing in which he or she

determines there exists just cause may grant a one-time delay of one year for a school system from implementation of any one of the required courses.

(2) The required courses set forth in this section must be successfully passed by a student enrolled in grades nine through twelve of public schools prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the 1996-97 scholastic year; provided, however, students identified as eligible for special education services as provided by federal and state law shall be required to meet the provisions set forth in the individual education plan prescribed to meet their individual needs as required by law. The State Board of Education shall continue to set graduation requirements; however, such graduation requirements shall not provide less in the way of requirements in the areas of English, math, science, and social studies as provided in this act.

(3) In addition to the required courses a number of elective courses must be successfully passed by a student enrolled in grades nine through twelve of public schools prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the 1996-97 scholastic year. The State Board of Education shall determine the number and classification of units of credit required for high school graduation.

(f) The State Board of Education, on the recommendation of the State Superintendent of Education, shall prescribe the minimum contents of courses of study for all public elementary and high schools in the state. In every elementary school there shall be taught at least reading including phonics, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Alabama, elementary science, hygiene and sanitation, physical training, the arts, including musical and visual arts, environmental protection, and such other studies as may be prescribed by the local board of education. Moreover, the State Board of Education shall require the following courses for grades one through eight in all public schools to be phased in beginning with students entering grades one through eight in the 1995-96 scholastic year: English, social studies, mathematics and science shall be taught each year in grades one through eight. English shall include, but not be limited to, material designed to develop language arts, such as reading, writing, speaking and listening skills. Social studies shall emphasize geography and history of the United States and Alabama.

(g) The State Board of Education shall adopt necessary policies, procedures, rules, regulations and/or standards to require college and university departments of education to review their existing educational programs for all prospective teachers in order to ensure that they are properly prepared to teach the courses required by law.

(h) The State Board of Education and all local boards shall develop and implement within ninety (90) days of the effective date of this Act a comprehensive character education program for all grades to consist of not less than ten minutes

instruction per day focusing upon the students' development of the following character traits: courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, patience, creativity, sportsmanship, loyalty, and perseverance. Each plan of instruction shall include the Pledge of Allegiance to the American Flag.

(i) The State Board of Education shall adopt necessary policies, procedures, rules, regulations, and/or standards to ensure quality vocational/technical education programs.

Section 3. ASSISTANCE PROGRAMS.

(a) Student Strategy - The superintendent of the local board of education along with the staff of each school shall develop an assistance program at each school for at-risk students performing below the standards set by the State Board of Education, said standards including the results of the normed reference testing program with emphasis on students who are found to be at one or more grade levels below the national norm. The local board of education shall budget at least \$100 per student so identified to be expended on tutorial assistance programs including but not limited to after school, Saturday school, and/or summer school. These funds may be budgeted from state or federal funds. However, federal funds already budgeted for at-risk students may not be counted toward the minimum \$100 requirement set aside to be expended for at-risk students as defined in this act. In addition, these funds may be expended for any of the following purposes:

1. Programs to encourage at-risk five-year olds to attend an approved preschool program.
2. Programs to identify at-risk students in the first grade.
3. Programs to ensure strict enforcement of truancy laws.
4. Programs to create alternative or disciplinary schools in which children who consistently exhibit behaviors or patterns of behaviors that interfere with the learning environment of other students would be placed and would be provided counseling and instruction in basic skills.
5. Programs to encourage parental involvement of parents of at-risk children.
6. Programs to encourage literacy of parents of at-risk children.

(b) School Strategy - The State Board of Education shall develop an assistance program for a school in need of assistance. A school in need of assistance shall mean any school which has a majority of its students scoring one or more

grade levels below the national norm on the state adopted achievement test. Local superintendents and local boards of education will be expected to make the effort and commit the resources necessary to improve the instructional program for a school in need of assistance and shall be required to budget all funds earned by such school in the cost calculations of the foundation program. Local superintendents and local boards of education are encouraged to use assistance from the state department of education, colleges of education, accrediting agencies and other sources.

The State Board of Education's plan for an assistance program must consist of the following components:

(1) The faculty and staff of each school in need of assistance shall engage in a self-study to examine the problem of low achievement within that school and shall develop steps which may be taken to improve student achievement. Parents of students in such schools shall be consulted as part of this self-study.

(2) If after two years student achievement has not improved, the State Superintendent of Education shall designate a team of practicing professionals who will visit the school, conduct a study, consult with parents of students in the school, and analyze causes of poor student achievement and make specific recommendations which shall become a part of a school improvement plan for the succeeding year.

(3) As a final step, when insufficient or no improvement as determined by the State Board of Education is evident from the implementation of steps one and two above, the State Superintendent of Education is required to intervene and to appoint a person or persons to run the day-to-day operation of the school. In considering intervention, the State Board of Education shall consider factors which may have affected the national norm test score, such factors shall include drop-out rates, attendance rates, special education enrollment, and any other data necessary to properly interpret student achievement in each school.

(c) School System Strategy - The State Board of Education shall develop an assistance program for a local board of education identified as being in need of assistance. A local board of education in need of assistance shall mean any local board of education which has a majority of its schools or a majority of the students in a system in which the students are scoring one or more grade levels below the national norm.

The State Board of Education shall require a local board of education in a need of assistance to do the following:

(1) The local board of education and the local superintendent with input from other administrators, teachers, staff, parents of students in the school, and the local community shall engage in a self-study to examine the problem of low achievement within the system and to develop steps which may be taken to improve student achievement.

(2) If after two years student achievement has not improved, the State Superintendent shall develop a system-wide school improvement plan in consultation with teachers, parents of students in the school, and the local community. This school improvement plan shall become a part of the local board of education's program and financial operations for the succeeding year.

(3) If after the implementation of the school improvement plan student achievement has not sufficiently improved, relative to its previous year's performance, the State Board of Education shall require the State Superintendent of Education to intervene and assume the direct management and day-to-day operation of the local board of education for such period of time as may be necessary for student achievement to improve. In considering intervention, the State Board of Education shall consider factors which may have affected the national norm test score, such factors shall include drop-out rates, attendance rates, special education enrollment, and any other data necessary to properly interpret student achievement in each system.

(d) It is the intent of the Legislature to make it clear to the State Board of Education that intervention is not to occur when a school or school system scores below the national average. Intervention by the State Board of Education is to occur only after the three-year period provided in this act during which a school or school system fails to show improvement. So long as improvement is being shown, the State Board of Education shall not intervene but shall continue to encourage the school to improve.

Section 4. FINANCIAL ACCOUNTABILITY.

In addition to providing quality instruction in classrooms, all local boards of education must be fiscally accountable. The local boards of education shall be required to provide annually financial documents, including but not limited to annual budgets and financial statements which are cost center based (school, area vocational/technical center), program based (regular education, special education, vocational education, etc.), and funding source based (local, state and federal). Just as local boards of education may be in need of assistance based on student achievement, they may also be in an unsound fiscal condition. The State Board of Education is directed to require, approve and audit budgets, financial statements, and other reports which may be deemed necessary to assess the financial stability of each local board of education. If a local board of education is determined to have submitted a fiscally unsound budget, the state department of education will provide assistance to complete and submit a revised budget. If during the assistance in preparing a revised budget the State Superintendent of Education determines that the local board of education is in an unsound fiscal position, a person or persons will be appointed by the State Superintendent of Education to advise the day-to-day financial operations of the local board of education. If after a reasonable period of time the State Superintendent of Education determines that the local board of education is still in an unsound fiscal condition, a request will be made to the State Board of Education for the direct control of the fiscal operation of the local board of education. Upon approval by

the State Board of Education, the State Superintendent of Education will appoint an individual to be chief financial officer to manage the fiscal operation of the local board of education. The chief financial officer shall perform his or her duties in accordance with rules and regulations established by the State Board of Education in concert with applicable Alabama law. Persons appointed by the State Superintendent of Education to serve as chief financial officer to manage the fiscal operation of a local board of education shall be required to give bond with a surety company authorized to do business in Alabama and shall not be required to receive approval of the local superintendent to expend monies as provided in Sections 16-8-33 and 16-11-6 of the Code of Alabama 1975. The State Superintendent of Education shall have the authority to review decisions of the chief financial officer and the local board of education pursuant to Section 16-4-8 of the Code of Alabama 1975.

Section 5. SCHOOL SAFETY AND DISCIPLINE ACCOUNTABILITY.

In addition to providing quality instruction in classrooms and fiscal soundness, all local boards of education shall be accountable for compliance with statutes and regulations regarding school safety and discipline. The State Department of Education shall send to all local boards of education and all local superintendents of education, on or before August 1 of each year, a manual containing all acts of the Legislature and all regulations promulgated by the State Board of Education which pertain to school safety and discipline. Within thirty (30) days of receipt of this manual, each local board of education shall provide to the State Board of Education a report, in the form prescribed by the State Department of Education, describing its compliance with these acts and regulations. If a local board of education is determined by the State Board of Education to have failed to comply in any material respect with these acts and regulations, the State Department of Education shall provide assistance to obtain compliance. If after one year, the State Board of Education determines that a local board of education refuses or fails to come into compliance with these acts and regulations, the State Superintendent of Education shall intervene in and assume the direct management and day-to-day operation of the local board of education for such period of time as the State Board of Education deems necessary to bring that local board of education into compliance with these acts and regulations.

Section 6. RELEASE FROM INTERVENTION.

Management of a school or local board of education occasioned by state intervention based on student achievement or financial instability shall continue until such time as either condition improves to an acceptable level. The local board of education may petition the State Board of Education for release from state intervention by showing acceptable improvement in achievement or financial stability or other just cause for such release. The State Board of Education following a hearing shall have final determination on the matter of release from state intervention.

Section 7. ACCOUNTABILITY REPORTS TO THE PUBLIC.

(a) The local board of education shall prepare an annual accountability report for each school and area vocational/technical center under its jurisdiction, and for itself, to be provided to the public under regulations promulgated by the State Board of Education. Such accountability reports shall include, but not be limited to, all of the following:

(1) A Funding and Expenditure Report which shall include the amount of foundation program funds or vocational/technical education funds, or both, earned and of all funds expended and any other data deemed necessary by the local board of education or the State Board of Education to inform the public about the financial status of each school.

(2) A Student Achievement Report which shall include a comparison of the immediately previous school year with the previous five years regarding student performance on testing required by the State Board of Education, dropout rates, attendance rates, graduation rates, college attendance, and any other data deemed necessary by the local board of education or the State Board of Education to inform the public about student achievement in each school.

(3) A School Safety and Discipline Report which shall include statistical information relating to student safety and discipline in each school and any other data deemed necessary by the local board of education or the State Board of Education to inform the public about safety and discipline in each school.

(b) These reports shall be released to the media, presented to parent organizations, members of the Legislature who represent the schools covered in each report, and the State Superintendent of Education. These reports shall be made available to the public upon request on or before ninety (90) days after the end of the fiscal year.

Section 8. PARTICIPATION IN FOUNDATION PROGRAM.

(a) In order for a local board of education to participate in the state foundation program certain conditions must be met. The teacher salary schedule of the local board of education must be at least ninety-five percent (95%) of the amount specified within the state salary matrix delineated by cell for the type of degree and years of experience of each teacher. All funds allocated to a local board of education for teacher salaries must be spent for salaries in the instructional program.

(b) In order for a local board of education to participate in the state vocational/technical education program certain conditions must be met. The teacher salary schedule of the local board of education must be at least 95 percent of the amount specified within the state salary matrix adjusted for extended contracts delineated by cell for the type of degree and years of experience of each teacher. All funds allocated to a local board of education for teacher salaries must be spent for salaries in the instructional program.

(c) Each area vocational center shall earn a principal (director) and shall continue to earn a counselor should it have received a counselor unit in 1994-95. Further, it is the intent of the Legislature that area vocational centers that are serving more than one school system continue to do so. Each participating local board must assume a pro rata share of the cost of personnel and operating cost of the vocational center. However, should any local board choose in the future to withdraw from participation in an area vocational center, such local board shall assume its pro rata share of the cost of personnel and operating expenses occurring as a result of its withdrawal. If no satisfactory financial agreement can be reached between that local board and other participating local boards, the State Superintendent shall conduct an inquiry and shall render a decision which shall be final and binding. Finally, as a result of hold harmless and federal requirements of maintenance of effort, no local board shall be permitted to spend fewer state dollars for vocational/technical education than it did during the 1994-95 school year.

Section 9. SALARY ALLOCATIONS.

No funds shall be transferred by any board of education from salary allocations to any other expenditure or for any other purpose. In times of proration, salaries shall not be subject to proration.

Section 10. BUDGET REQUIREMENTS FOR FOUNDATION AND VOCATIONAL/TECHNICAL EDUCATION PROGRAM.

(a) Foundation Program. It is the intent of the legislature to see that funds allocated for classroom instructional support actually reach the classroom. To that end, the state department of education shall monitor the flow of funds appropriated for various instructional purposes. Classroom instructional support shall be defined as those funds appropriated for instructional supplies, library enhancement, textbooks, technology and professional development. The legislature believes that the classroom instructional support funds have a direct impact upon the ability of classroom teachers to have the resources and assistance necessary to assist them in the performance of their responsibilities. School budgets for instructional supplies shall be developed within each school using the procedures outlined in Section 16-36-29.1 and as is required by Act 95-121 of the 1995 Regular Session of the Legislature of Alabama relating to the adoption of school board policies. It is the intent of the legislature that teachers shall have direct input in the development of their school's budget for classroom instructional support and in the expenditure of these funds. The legislature realizes that teachers and principals cannot be held accountable unless they have the authority to use resources provided them by legislative appropriations. As each school's budget is developed, local boards of education shall ensure principals and classroom teachers are given the opportunity to participate in decisions concerning the appropriate use and expenditure of classroom instructional support funds. Where the principal or the teachers have not been granted the right to have direct input in the development of their school's budget or are restrained in the expenditure of instructional supply funds, they may petition the State Superintendent of Educa-

tion for relief pursuant to rules and regulations promulgated by the State Department of Education. Because the legislature believes classroom instructional support funds to be critically important, the following conditions will apply to the budgeting process of each local board of education:

(1) Classroom instructional materials and supplies must be budgeted for all teachers at the rate appropriated per teacher unit by the legislature in the Foundation Program.

(2) Textbook funds must be budgeted for all students based on the rate appropriated per student by the legislature in the foundation program.

(3) Technology funds must be budgeted for all teachers based on their rate appropriated per teacher unit by the legislature in the foundation program.

(4) Professional development funds must be budgeted for all teachers based on the rate appropriated per teacher unit by the legislature in the foundation program.

(5) Library enhancement funds must be budgeted for all teachers based on the rate appropriated per teacher unit by the legislature in the foundation program. The library enhancement appropriation shall be for K-12 Public School Library/Media Centers and is an absolute appropriation. Not less than 50% of the above appropriation is to be expended for library books. This 50% of the appropriation shall not be subject to the waiver procedure specified in subdivision (7). Other expenditures may include book binding, repair, CD Roms, computer software, computer equipment, cataloging, audio-visual materials, newspapers, magazines, recordings, and video tapes.

(6) In addition to classroom instructional support, leave (sick and personal) must be budgeted for all teachers based on the number of days and the rate per day used by the legislature in calculating the cost in the foundation program.

(7) The principal of a local school in consultation with the teacher(s) so affected may request a waiver from subdivisions (2) through (5). The waiver shall be presented to the local superintendent of education. Upon concurrence, the local superintendent of education shall request a waiver from the State Superintendent of Education, which application shall be deemed to be granted unless affirmatively rejected in writing by the State Superintendent within 30 days of its receipt.

(b) Vocational/Technical Education Program. It is the intent of the legislature to see that funds allocated for classroom instructional support actually reach the classroom. To that end, the State Department of Education shall monitor the flow of funds appropriated for various instructional support which shall be defined as those funds appropriated for instructional supplies, textbooks, technology, and professional development. The Legislature believes that the classroom instructional support funds have a direct impact upon the ability of classroom teachers to

have the resources and assistance necessary to assist them in the performance of their responsibilities. School budgets for classroom instructional support shall be developed within each school using the procedures outlined in Section 16-36-29.1 and as is required by Act 95-121 of the 1995 Regular Session. It is the intent of the Legislature that teachers shall have direct input in the development of their school's budget for classroom instructional support and in the expenditure of these funds. The Legislature realizes that teachers and principals cannot be held accountable unless they have the authority to use resources provided them by legislative appropriations. As each school's budget is developed, local boards of education shall ensure classroom teachers are given the opportunity to make decisions concerning the appropriate use and expenditures of classroom instructional support funds. Where the principal or the teachers have not been granted the right to have direct input in the development of their school's budget or are restrained in the expenditure of classroom instructional support funds, they may petition the State Superintendent of Education for relief pursuant to rules and regulations promulgated by the State Department of Education. Because the Legislature believes classroom instructional support funds to be critically important, the following conditions will apply to the budgeting process of each local board of education:

(1) Classroom instructional materials and supplies must be budgeted for all teachers at the rate appropriated per teacher unit by the Legislature in the vocational/technical education program.

(2) Textbook funds must be budgeted for all students based on the rate appropriated per student by the Legislature in the vocational/technical education program.

(3) Professional development funds must be budgeted for all teachers based on the rate appropriated per teacher unit by the Legislature in the vocational/technical education program.

(4) In addition to classroom instructional support, leave (sick and personal) must be budgeted for all teachers based on the number of days and rate per day used by the Legislature in calculating the cost in the vocational/technical education program.

(5) The principal of a local school in consultation with the teacher(s) so affected may request a waiver from subdivisions (2) and (3). The waiver shall be presented to the local superintendent of education. Upon concurrence, the local superintendent of education shall request a waiver from the State Superintendent of Education, which application shall be deemed to be granted unless affirmatively rejected in writing by the State Superintendent within 30 days of its receipt.

Section 11. TEACHER PAPERWORK REDUCTION PLAN.

The State Superintendent of Education shall develop a plan to be approved by the State Board of Education to reduce the paperwork which is required to be

completed by the school system including the classroom teachers. The goal shall be to reduce teacher paperwork by at least fifty percent (50%) before the beginning of the 1996-97 scholastic year. Further, the plan shall work toward the development of automated student records in all schools.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed and specifically Sections 16-3-15, 16-3-17.2, 16-3-18.2, 16-3-18.4 and 16-13-15 of the Code of Alabama 1975, are hereby repealed. Notwithstanding the repeal of the foregoing sections, the State Board of Education shall review and develop appropriate policies regarding at-risk students, social promotion, and school accreditation.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law, and shall be implemented with the beginning of the 1995-96 scholastic year.

On page 24, on line 14, delete the language "Not" and delete lines 15, 16, and 17 in their entirety.

On page 24, on line 18, delete the language "Other expenditures" and insert in lieu thereof: Expenditures

On page 24, on line 18, after the language "include" insert: books

On page 19, line 16, after the word "Report" insert the following: which shall include those documents specified in Section 4 and

Amend House Bill No. 466, Page 9, Line 26, as follows: strike "~~Training~~" and add Education and Page 8, Line 4 add after the word "education" - wellness education

Yeas 83; Nays 10.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend,

Turner, Vance, Venable, Warren, White and Wren.

-83

Nay:

Representatives Baker, Boyd, Buskey, Clark (W), Houston, McAdory, Minnifield, Mitchell, Newton (D) and Rogers (J).

-10

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Starkey offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 265.

MOTION TO ADJOURN LOST

The motion offered by Representative Buskey that the House adjourn until 9:00 o'clock a.m., Thursday, June 29, 1995, was lost.

Yeas 18; Nays 64.

Yea:

Representatives Bandy, Black (L), Black (M), Buskey, Dolbare, Drake, Flowers, Holmes, Houston, Johnson (R), Layson, McAdory, McKee, Mitchell, Rogers (J), Sanderford, Thomas (D) and White.

-18

Nay:

Representatives Allen, Baker, Box, Boyd, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Kennedy, Knight (A), Lindsey, McClammy, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (T), Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Vance, Venable, Warren and Willis.

-64

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Starkey to adopt the Budget Isolation Resolution relating to the bill, H. 265, and the Budget Isolation Resolution was adopted.

Yeas 95; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

And the bill:

H. 265. To make an appropriation of \$59,288 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell,

Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-93

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 266, was adopted.

Yeas 84; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Warren and Willis.

-84

And the bill:

H. 266. To make an appropriation of \$36,125 from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

SUBSTITUTE OFFERED

Representative Kennedy offered the following substitute to the bill, H. 266:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$52,500 from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the AIDS Task Force of Alabama from the State General Fund the sum of \$52,500.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 85; Nays 2.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Townsend, Vance, Venable, Warren, Willis and Wren.

Nay:

Representatives Seibenhener and Thomas (D).

- 2

And the bill:

H. 266. To make an appropriation of \$52,500 from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren and Willis.

-85

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 380. To provide further for the powers of the board and membership fees of credit unions; to provide for the powers of the administrator of the Alabama Credit Union Administration to include the power to act as a conservator of a credit union under certain conditions, subject to quarterly review of the board; to provide for the rules and regulations and written policies and interpretations of law and regulation and to give certain immunity to officers and directors relying on the written policies and interpretation; and to provide further appointments,

qualifications, and residency of members of the credit union board; and for these purposes amending Sections 5-17-4, 5-17-8, 5-17-46, and 5-17-55, Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Morton, the House concurred in and adopted the Senate amendment to the bill, H. 380, said Senate amendment being as follows:

Amend H. 380 by deleting the language beginning on Page 11, line 5, and ending on Page 13, line 15, and inserting in lieu thereof the following:

"§5-17-46.

"(a) The administrator may, with the concurrence of a majority of the members of the credit union board, promulgate such reasonable regulations, consistent with the laws of this state, as may be necessary to carry out the laws over which the Alabama credit union administration has jurisdiction. The administrator shall, in addition, issue written interpretations of credit ~~unions~~ union laws and regulations. Any credit union and any officer or director thereof relying on any regulation or interpretation shall be fully protected even though the same regulation or interpretation shall be thereafter ruled invalid for any reason by a court of competent jurisdiction.

"(b) Any policy or written interpretation or credit union laws and regulations shall be reviewed for ratification by the credit union board within 90 days after written request for an interpretation by any member of the credit union board. The policy or written interpretation shall be invalidated unless a majority of the members of the credit union board ratify the interpretation or policy.

"(c) The procedure for adopting, amending, or repealing regulations and for the review or ratification of any policy or interpretation shall be the procedure specified in Section 5-17-47."

"§5-17-55.

"(a) There shall be a credit union board of the Alabama credit union administration which shall consist of the administrator, who shall be an ex officio member and chairman of the board, and seven other persons, appointed by the governor, by and with the consent of the senate, four of which shall be appointed from a list of nominees submitted by the Alabama state credit union legislative forum, which shall submit not less than three nominees for any vacancy. Should the governor determine that none of the first three nominees submitted by the forum for a

vacancy on the credit union board are acceptable, the governor may reject the three nominees and the forum shall submit an alternative list of three nominees to the governor from which he the Governor shall make the appointment. The remaining three appointments to the credit union board shall be made by the governor from a list of nominees submitted by credit unions at large. ~~A member of the credit union board must be a principal resident of a congressional district in which five or more state chartered credit unions maintain their principal place of business. No person is eligible for appointment to the board if he is a resident of a congressional district which will have two or more other residents serving on such board at the same time. To be eligible for appointment to the credit union board, a person must have had at least five years' experience in the 10 years next preceding their appointment to the credit union board either as an officer, director or manager of a credit union with its principal place of business in Alabama. The position of any member of the credit union board of the Alabama credit union administration shall be deemed to be vacant if such member of the credit union board ceases to maintain a principal place of residence within the congressional district from which he has been appointed.~~ No person is eligible to be nominated or appointed to the Credit Union Board unless at the time of nomination or appointment, the person is an officer, director, or manager of a state-chartered credit union and has at least five years experience in the 10 years next preceding appointment as an officer, director, or manager of a credit union. The position of any member of the Credit Union Board shall be declared vacant by the Administrator of the Alabama Credit Union Administration if the member of the Credit Union Board ceases to serve as an officer, director, or manager of a credit union chartered under the laws of the State of Alabama.

Yeas 91; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White and Willis.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 267, was adopted.

Yeas 89; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-89

And the bill:

H. 267. To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 1.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford,

Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-91

Nay:

Representative Seibenhener.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 268, was adopted.

Yeas 90; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

And the bill:

H. 268. (With Substitute): To make an appropriation of \$117,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$142,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Alabama Council on Child Abuse, Inc. from the State General Fund the sum of \$142,600.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 93; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

And the bill:

H. 268. To make an appropriation of \$142,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 96; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-96

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 270, was adopted.

Yeas 85; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren and Willis.

-85

And the bill:

H. 270. (With Substitute): To make an appropriation of \$297,223 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$359,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Coalition Against Domestic Violence from the State General Fund the sum of \$359,674.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 87; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin,

Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren and Willis.

-87

And the bill:

H. 270. To make an appropriation of \$359,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 1.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-91

Nay:

Representative Layson.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 271, was adopted.

Yeas 87; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren and Willis.

-87

And the bill:

H. 271. (With Substitute): To make an appropriation of \$52,575 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

To make an appropriation of \$61,845 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Curry offered the following substitute to the committee substitute to the bill, H. 271:

A BILL TO BE ENTITLED AN ACT

To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1996, and to

require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Elyton Recovery Center from the State General Fund the sum of \$61,853.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1995.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Curry was adopted.

Yeas 88; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren and Willis.

-88

And the bill:

H. 271. To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 2.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren and Willis.

-88

Nay:

Representatives Seibenhener and Vance.

- 2

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (J), the Budget Isolation Resolution relating to the bill, H. 272, was adopted.

Yeas 90; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-90

And the bill:

H. 272. (With Substitute): To make an appropriation of \$255,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Alabama Kidney Foundation, Inc. from the State General Fund the sum of \$325,000.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 87; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A),

Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren and Willis.

-87

And the bill:

H. 272. To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-91

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 273, was adopted.

Yeas 89; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-89

And the bill:

H. 273. (With Substitute): To make an appropriation of \$15,810 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the Lighthouse Counseling Center from the State General Fund the sum of \$18,600.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the

Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 90; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-90

And the bill:

H. 273. To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton,

Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-89

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 274, was adopted.

Yeas 91; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-91

And the bill:

H. 274. To make an appropriation of \$42,500 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 1.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin,

Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-90

Nay:

Representative Seibenhener.

- 1

BUDGET ISOLATION RESOLUTION OFFERED

Representative Carothers offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 275.

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that the House adjourn was lost.

Yeas 20; Nays 66.

Yea:

Representatives Bandy, Black (L), Black (M), Buskey, Dolbare, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Maull, McAdory, McClammy, Millican, Mitchell, Parker (P), Sanderford and Spratt.

-20

Nay:

Representatives Allen, Baker, Box, Boyd, Carns, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Kennedy, Knight (A), Letson, Lindsey, McDaniel, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-66

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

The question was then on the motion offered by Representative Carothers to adopt the Budget Isolation Resolution relating to the bill, H. 275, and the Budget Isolation Resolution was adopted.

Yeas 93; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-93

And the bill:

H. 275. (With Amendment): To make an appropriation of \$247,854 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 275 on Page 1, lines 8 and 16 by striking "247,854" and inserting in lieu thereof the figure "291,593"

Further amend the bill on Page 1 by deleting lines 24 through 27 in their entirety and inserting in lieu thereof the following: "hundred ninety-one thousand five hundred ninety-three dollars which shall be distributed in the following manner: \$259,518 to the Retired Senior Volunteer Programs and \$32,075 to the Foster Grandparent and Senior Companions Programs."

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that the House adjourn until 10:00 o'clock a.m., Thursday, June 29, 1995, was lost.

Yeas 23; Nays 63.

Yea:

Representatives Bandy, Black (L), Box, Buskey, Carothers, Dolbare, Flowers, Hamilton, Hayden, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Laird, Maull, McAdory, Millican, Mitchell, Parker (P), Sanderson, Thomas (D) and White.

-23

Nay:

Representatives Allen, Baker, Boyd, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-63

H. 275 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, and the committee amendment was adopted.

Yeas 94; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell,

Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-94

And the bill:

H. 275. To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 94; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-94

BUDGET ISOLATION RESOLUTION OFFERED

Representative Fuller offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 276.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 466. To establish an accountability plan which shall be overseen by the State Board of Education; to require the use of the nationally normed test to assess student achievement; to require the development of a core curriculum to be offered at all grade levels; to provide for the development of a character education program by the state and local boards of education; to develop an assistance program for individual students who are scoring one or more grade levels below the national norm; to assist schools that have a majority of students scoring one or more grade levels below the national norm; to establish a program of self-help and state intervention; to provide for school safety and discipline accountability; to assist local boards of education who have a majority of their schools in which a majority of their students are scoring at one grade level or more below the national norms; to provide for state intervention of a school or a local board of education based on below average student achievement or financial instability; to provide for financial accountability in allocation of funds to schools, to require local budgets and financial statements that are cost centered, program and fund based; to provide for a method of intervention and a method of release from state intervention; to provide for participation in the foundation program funding and to establish requirements for participation in the foundation program; to require accountability reports to the public; to establish certain requirements for the development of school budgets and to provide that school allocations shall be budgeted and expended at the classroom level; to restrict the use of funds allocated for salaries; to require the State Superintendent of Education to develop a plan to reduce the paperwork required to be completed by classroom teachers; and to repeal certain sections of the Code of Alabama 1975.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 266. To make an appropriation of \$52,500 from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 266, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 268. To make an appropriation of \$142,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 268, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 270. To make an appropriation of \$359,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 270, as engrossed, was ordered sent to the Senate.

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that the House adjourn until 10:00 o'clock a.m., Thursday, June 29, 1995, was lost.

Yeas 18; Nays 64.

Yea:

Representatives Bandy, Buskey, Dolbare, Gaines, Hilliard, Holmes, Houston, Jackson, Johnson (E), Laird, Millican, Minnifield, Newton (D), Perdue, Petelos, Sanderson, Spratt and Thomas (D).

-18

Nay:

Representatives Allen, Baker, Box, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-64

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Fuller to adopt the Budget Isolation Resolution relating to the bill, H. 276, and the Budget Isolation Resolution was adopted.

Yeas 86; Nays 2.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos,

Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-86

Nay:

Representatives Holmes and Minnifield.

- 2

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 234. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1996.

TOMMY CARTER
Chairman

And the bill, H. 234, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 272. To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 272, as engrossed, was ordered sent to the Senate.

H. 276 TAKEN UP

And the bill:

H. 276. To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

MOTION IN WRITING OFFERED

Representative Maull offered the following Motion in Writing relating to the bill, H. 276:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 61; Nays 11.

Yea:

Representatives Allen, Black (M), Box, Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McAdory, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance and Willis.

-61

Nay:

Representatives Bandy, Hilliard, Holmes, Jackson, Kennedy, Knight (J), McClammy, Melton, Minnifield, Rogers (J) and Spratt.

-11

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 380. To provide further for the powers of the board and membership fees of credit unions; to provide for the powers of the administrator of the Alabama Credit Union Administration to include the power to act as a conservator of a credit union under certain conditions, subject to quarterly review of the board; to provide for the rules and regulations and written policies and interpretations of law and regulation and to give certain immunity to officers and directors relying on the written policies and interpretation; and to provide further appointments, qualifications, and residency of members of the credit union board; and for these purposes amending Sections 5-17-4, 5-17-8, 5-17-46, and 5-17-55, Code of Alabama 1975.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 271. To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 271, as engrossed, was ordered sent to the Senate.

H. 276 RESUMED

And the bill, H. 276, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 2.

Yea:

Representatives Allen, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

Nay:

Representatives Minnifield and Rogers (M).

- 2

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 273. To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 273, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED
BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 277, was adopted.

Yeas 81; Nays 5.

Yea:

Representatives Allen, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett,

Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-81

Nay:

Representatives Holmes, Johnson (E), Minnifield, Mitchell and Rogers (M).

- 5

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 275. To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1996, and to require an operations plan prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 275, as engrossed, was ordered sent to the Senate.

H. 277 TAKEN UP

And the bill:

H. 277. To make an appropriation of \$36,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1996, and requires an operations plan and an audited financial statement prior to release of any funds.

was taken up.

SUBSTITUTE OFFERED

Representative Kennedy offered the following substitute to the bill, H. 277:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1996, there is hereby appropriated to the America's Junior Miss Pageant from the State General Fund the sum of \$56,347.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1995-96, an operations plan for fiscal year 1995-96 and an audited financial statement for all operations during fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1995-96 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1995.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 79; Nays 3.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Dean, Dukes, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-79

Nay:

Representatives Holmes, Minnifield and Rogers (M).

- 3

And the bill:

H. 277. To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1996, and to require an operations plan and an audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 5.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-84

Nay:

Representatives Dolbare, Holmes, Minnifield, Rogers (M) and Seibenhener.

- 5

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Collins:

H.R. 308. COMMENDING JANE HOLLEY BURNETT OF VERNON, ALABAMA, ON THE OCCASION OF HER RETIREMENT.

Also:

By Representative Sims:

H.R. 309. MOURNING THE DEATH OF MRS. NOLA DEAN CROW OF EASTABOGA, ALABAMA.

Also:

By Representative Baker:

H.R. 310. COMMENDING THE HAYDEN-HENDERSON-PRICE FAMILY ON THEIR ANNUAL REUNION, JULY 7, 1995.

Also:

By Representative Morrison:

H.R. 311. COMMENDING ESTUS DURHAM FOR OUTSTANDING CONTRIBUTIONS AND DEDICATION.

Also:

By Representative Wren:

H.R. 312. COMMENDING ANNA BOWEN OF MONTGOMERY, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENTS.

Also:

The following resolutions were introduced:

By Representative Newton (C):

H.J.R. 313. MOURNING THE DEATH OF JOHN DARRYL MURPHY OF GREENVILLE, ALABAMA.

The resolution, H.J.R. 313, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kennedy, Buskey, Clark (W), Mitchell and Gaston:

H.J.R. 314. MOURNING THE DEATH OF MR. GEORGE ALVIN DICKINSON, JR., OF MOBILE, ALABAMA.

The resolution, H.J.R. 314, was read and referred to the Standing Committee on Rules.

Also:

By Representative Rogers (J):

H.J.R. 315. MOURNING THE DEATH OF MRS. JESSIE MAE BOYKINS OF BIRMINGHAM, ALABAMA.

The resolution, H.J.R. 315, was read and referred to the Standing Committee on Rules.

Also:

By Representative Knight (J):

H.J.R. 316. HONORING THE WINSTON AND BETHLONIA JOHNSON FAMILY ON THE OCCASION OF THEIR FIRST FAMILY REUNION.

The resolution, H.J.R. 316, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Knight (J):

H.R. 317. HONORING THE WINSTON AND BETHLONIA JOHNSON FAMILY ON THE OCCASION OF THEIR FIRST FAMILY REUNION.

Also:

By Representative Knight (J):

H.R. 318. HONORING DR. WILLIAM G. ANDERSON FOR OUTSTANDING ACHIEVEMENTS.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:20 P.M. on June 27, 1995.

H. 468

H. 94

H. 592

H. 373

Delivered to the Governor at 3:32 P.M. on June 27, 1995.

H.J.R. 278

H.J.R. 279

H.J.R. 280

H.J.R. 287

H.J.R. 291

H.J.R. 293

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Fuller, the House adjourned until 9:00 o'clock a.m., Thursday, June 29, 1995.